

Burdened Recognition
Alevis within the politico-legal frameworks of Turkey, the
United Kingdom and the European Court of Human Rights

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of Philosophy

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THESIS ABSTRACT

Alevis are considered to be the largest religious minority in Turkey. Although they originate from Turkey, many European countries including the United Kingdom accommodate organized Alevi communities. With the process of Turkey's accession to the European Union, the last 20 years have witnessed the emergence of a transnational Alevi movement that advocates for the accommodation of Alevis in different politico-legal contexts, with each context producing different outcomes. This thesis problematizes the issue of Alevis' recognition in three different politico-legal contexts, and questions the dominant identification of Alevism as a kind of religion for the purpose of recognition. It is in that light that the thesis addresses the question of how Turkey, the United Kingdom and the European Court of Human Rights accommodate Alevis' difference, and what the implication of this accommodation is for Alevis and the Alevi culture?

Secular law is considered as an antidote to religious conflict and as providing the means of extending recognition to unrecognised groups. Yet, a major problem appears to be the assumption of secular law that every culture has a religion and differences of religions are what have to be accommodated for harmonious coexistence. Opportunity structures offered by politico-legal systems face this problem as well. Different from this framework, this thesis is theoretically grounded in the findings of the research program led by S.N. Balagangadhara, one of which is that religion is not a culturally universal phenomenon.¹ Supported by my ethnographic fieldwork with Alevis in London and Ankara, as well as a study of the existing literature and documentary evidence, this thesis argues that there is no religion in Alevi culture and the distinction between the religious and the secular is alien to Alevis.

¹ S. N. Balagangadhara, *'The Heathen in His Blindness'--: Asia, the West, and the Dynamic of Religion* (Brill 1994).

The claim that religion is a cultural universal is embedded in the theology of Semitic religions, and is implicitly accepted in the dominant literature on Alevis. Its general acceptance points to the secularization of religion. As a consequence, embedded in this theology and its secularisation, political and legal systems which offer various opportunity structures for recognition, cause a kind of violence to people who may not have religion. The violence of ‘effacing the otherness of the other’ occurs through forcing a religion onto Alevis in order to recognise them as a community and culture within the state or a broader international law framework such as the European Convention on Human Rights. In this connection, the emergence of a transnational Alevi movement that strives to be an authority to speak *for* Alevis and their religion, Alevism, can be read as an outcome of the opportunity structures available in these contexts. It is a strategy of recognition that comes with costs and benefits for Alevis. The case studies reveal that even though these politico-legal contexts in Turkey, the UK, and before the ECtHR are ostensibly different and provide different promises to Alevis, they all view Alevis as a religious community.

This thesis suggests that by adopting this view Alevis’ experience of their culture is transformed. The process of portraying their culture as a religion for the purpose of recognition in the secular state deepens this transformation. This argument is developed in the three politico-legal contexts, in each of which I demonstrate that even when some kind of recognition is granted, this recognition treats Alevis as (falling within) some kind of religion. The way that they are compelled to frame their arguments in politics, charity contexts, education and law testifies to the ‘conversion’ of Alevis into a religious community, as do the decisions that administrative, political and legal authorities make. Applying the conceptual framework around Balagangadhara’s theory of religion to the fieldwork, the legal and policy related documentary evidence, case law, and the existing literature on Alevis, this thesis makes a significant contribution to knowledge on cultural recognition in three political-legal contexts and to rethink the dominant models for understanding cultural differences.

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GLOSSARY

Deyiş/nefes – Alevi genre of poetry, often sung along with *bağlama*; but also referred by the Alevi to explain Alevi way of going about in the world in daily occasions.

Bağlama – Stringed musical instrument.

Semah – Alevi genre of dance.

Muhabbet – Also means ‘3 can 1 *cem*’ (3 souls 1 gathering), Alevi gathering where *deyiş/nefes* sung along *baglama* to accompany the gathering.

Cem – Alevi ritual where 12 services are conducted, *deyiş/nefes* sung, *bağlama* played, *semah* turned. Also community matters discussed and shared food (*lokma*) served.

Zakir – One of 12 services in *cem*, person plays *bağlama* and accompany *dede* during *cem* rituals.

Dede – Person who has proficient knowledge of Alevi traditions and whose hereditary link traced back to 12 Imams.

Ocak – *Dede* families.

Talip – Alevis guided by *dede*.

Pişmek – Developing proficiency of practicing Alevi traditions.

Hak – Essence of matter. It may be referred to as energy or god.

Cemevi – Place where different Alevi rituals (*cem*, *muhabbet*, funeral, wedding) are conducted and where Alevis get together.

CHAPTER 1 -- INTRODUCTION

1.1. Introduction and the Research Question

This thesis investigates Alevis' recognition demands as a faith community and the legal aspects of the emergence or rise of Alevism as a religion. It aims to shine light on the predicament of the official recognition of Alevism in Turkey, the United Kingdom and the European Court of Human Rights (the ECtHR) to illuminate the complex relation between law, religion and culture.

How do Turkey, the UK and the ECtHR accommodate Alevis' difference, and what are the implications of this accommodation for Alevis and the Alevi culture? This involves further questions: How can we understand Alevis' difference within the nexus of culture and religion? And in the larger context, what does the Alevi case tell us about the role law plays in the production of religion and the secular? In answering these research questions, this thesis is divided into two parts. The first part lays out the theoretical and conceptual framework that inform my analysis of Turkey, the UK and the ECtHR in relation to Alevis' accommodation (Chapter 2) and explores Alevis' difference within the nexus of culture and religion, using Balagangadhara's theory of religion and my fieldwork with Alevis (Chapter 3). The second part discusses how Alevis recognition demands are shaped and responded to in three contexts, Turkey (Chapter 4), the ECtHR (Chapter 5) and the UK (Chapter 6), drawing on my fieldwork with Alevi communities in Turkey and the UK as well as the dominant literature on Alevis, the legal and policy documents that I have had access to, the case law and the relevant legislation and situating these case studies within the framework set out in Part one. This thesis argues that Alevis' difference is a "different kind of difference," one that Turkey, the UK, and the ECtHR are unable to adequately recognise. The attempt to fit within or be recognised has the potential to distort the Alevi culture, rendering it a religion or belief system for the purposes of recognition.

As this thesis will show further throughout, Alevis are people with contested roots and contested beliefs, without a consensus on the 'religiousness' of their traditions. They are identified with multiple practices, which are shared by a number of other traditions. They respect historical

figures, some of whom are also shared by Islamic traditions, such as Ali, the son in law and cousin of the prophet Mohammad. They believe in the transmigration of the soul, similar to Hindu reincarnation. They praise nature like Zoroastrians. Alevi have sustained and transmitted their traditions in a secluded way for centuries. Considered as heretics by the Ottoman rulers, they traditionally inhabited the isolated geographical areas of Anatolia. In fact, little was known about them until 19th century Christian missionary expeditions to the region. This was when the word Alevism came to be attributed as a religion to Alevi'.²

In the 20th century, with the establishment of the Republic of Turkey, the positioning of Alevi was not settled, but negotiated within the framework provided by the imagination and ideology of the Turkish nation-state and its institutions, as discussed in Chapter 4. One of the most intriguing aspects about this positioning is the difficulty of describing Alevism within the existing politico-legal frameworks that conceptually divide the Alevi culture into religious and secular spheres. The lack of consensus on the conceptualisation of Alevism and the Alevi's demands for official recognition was presented as the reason for the inconclusive outcome of the 'Alevi Opening', consisting of a series of workshops initiated by the Turkish government and organized with Alevi community leaders between June 2009 and January 2010.³ The demands articulated in that process were about the legal status of *cemevi* (Alevi community house), the status of the official Directorate of Religious Affairs (hereinafter Diyanet), compulsory religious education, and the conversion of the Madımak Hotel into a museum, to commemorate more than thirty Alevi who were killed by a crowd which set the hotel on fire in 1993.⁴

Alevi are organized around associations, charities and federations in both Turkey and the diaspora, and have been increasingly assertive about their identity since the 1990s. These organizations claim to represent Alevi and advocate for recognition in the respective political and legal contexts since

² Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013), Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished PhD Dissertation Harvard University 2008) 26.

³ Ministry of State (MoS), 'Alevi Çalıştayları Nihai Rapor' (MoS 2010).

⁴ Erdoğan Aydın, *Kimlik Mücadelesinde Alevilik* (Kırmızı 2008) 305-319.

the 2000s. I call this phenomenon the Alevi movement, similar to other scholars on the subject.⁵ The European Commission considers Alevis to be the largest religious minority in Turkey, where it estimates that 15-20% of the population are Alevis.⁶ The attention paid by the European Commission reflects the transnational dimension of the Alevi movement. Although Germany accommodates the most organized Alevi diaspora, the number of Alevis living in the UK exceeds 300,000.⁷ The transnational terrain of the Alevi movement allows Alevis to navigate in multiple politico-legal frameworks and experiment with different formulations of Alevism that pave the way for different recognition claims.

1.2. Research Problem

Describing Alevism is an intricate issue not only for Alevis themselves but also for scholars, official bodies and courts. They are often described as heterodox Muslims or as a spiritual branch within the Islamic Shia or Sufi traditions, while some argue that Alevism is a separate religion or a way of life.⁸ Academic studies often emphasise the heterodox and syncretic nature of Alevism at the margins of Islam. Similarly, the ECtHR considers Alevism as a non-Sunni religious tradition within the fold of Islam.⁹ In Turkey, the local courts deny the particularity of Alevism as a denomination analogous to Sunni Islam and insist on considering it as a cultural richness of local Islam and not different from Sunni Islam.¹⁰ Once Alevism had attained a transnational dimension, the differences in conceptualising Alevism, its relation to Islam and

⁵ Martin Sökefeld, *Struggling for Recognition: The Alevi Movement in Germany and in Transnational Space*, (Berghan Books 2008). Also for a slightly different use as 'Alevist Movement' see Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012).

⁶ Commission of European Union, 'Regular Report on Turkey's Progress towards Accession' (2004), available at ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf (accessed 27 May 2016).

⁷ Britain Alevi Federation, *Who we are?*, available at http://www.alevinet.org/SAP.aspx?pid=About_en-GB (accessed 13.10.2017).

⁸ Irene Melikoff, *Uyur İdik Uyardılar, Alevilik-Bektaşilik Araştırmaları* (Demos 2009), Mehmet Bayrak, *Alevilik, Kürdoloji, Türkoloji Yazıları [1973-2009]* (OZ-GE 2009), Fuat Bozkurt, *Toplumsal Boyutlarıyla Alevilik* (Kapı 2005), Rıza Zelyut, *Öz Kaynaklarına Göre Alevilik* (Yön 1992).

⁹ *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007).

¹⁰ Yargıtay 7. Hukuk Dairesi (Supreme Court of Appeal), E. 2012/262, K. 2012/3351 (10.05.2012).

its recognition as a separate religion are multiplied depending on the politico-legal context. Many Alevis however claim that they are an autonomous group that does not follow the prescriptions of Islam.¹¹ According to many Alevis, describing Alevism is the most difficult aspect of being an Alevi.¹²

What is interesting about the case of Alevis is their ability or struggle to come up with different conceptualisations of Alevism depending on the context. Depending on the politico-legal framework, Alevis try to give shape to an Alevism as a religion to gain recognition in different fields such as religious education, charity law and place of worship. The issue of describing Alevism becomes more apparent in their interactions with official bodies and courts. In these interactions, not only Alevis but also official institutions and courts are puzzled as to how to think about Alevism within the religious-secular divide.

1.3. Placing the Research within a Larger Framework on the Study of Religion and Culture

In addition to the scholarship on Alevis, the answers to these research questions have profound interdisciplinary implications for socio-legal studies, anthropology of law, studies on religion and secularism, and transnational movements. The Alevis' case is important to research because of the ambiguity of its 'religiousness'. Many different new age movements or non-Western cultures are increasingly seeking recognition in Western societies governed by multicultural policies, as discussed in Chapter 6 through the case of Alevis in the UK. Given the literature¹³ critical about the phenomenon of religion, culture and the secular, the case of Alevis provides invaluable insights on the ability of current politico-legal systems to accommodate diversity.

1. 3. 1. A framework for thinking about cultural differences

¹¹ My fieldwork findings.

¹² Ibid.

¹³ Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford University Press 2003), S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994), Markus Dressler and Arvind Mandair, *Secularism and Religion-making* (Oxford University Press 2011), Ann Pellegrini and Janet Jakobsen, *Secularisms* (Duke University Press 2008), Winnifred Sullivan, Robert A Yelle and Mateo Taussig-Rubbo, *After Secular Law* (Stanford University Press 2011).

This thesis approaches the research question first by exploring the *kind* of differences in cultures. Studies on critical anthropology provide some insights about cultural encounters. Geertz underlines the difficulty of *really* understanding the cultural other, naming it "epistemological hypochondria concerning how one can know that anything one says about other forms of life is as a matter of fact so."¹⁴ Similarly on the issue of cultural differences, Balagangadhara inquires into the ways in which the culture of the describer influences his descriptions of other cultures¹⁵ He suggests that cultural differences might bring different ways of experiencing otherness of different cultures.¹⁶

Van den Bouwhuijsen points out the persistent effort of ethnographers to describe non-Western cultures in terms of these cultures' belief systems and underlines that "a 'belief system' presupposes a web of propositions in which a certain account of the world is confirmed as true."¹⁷ Instead, he argues that some non-Western traditions may not have an "*epistemic attitude* towards their tradition", meaning that their relation to tradition might be different to Western approaches to tradition and might not centre on a specific set of beliefs.¹⁸ As a result, describing them in terms of their beliefs might be misleading. In this vein, Balagangadhara makes the same point: that Western culture tends to 'theorise' about actions; therefore, traditional practices are understood so long as they are the expressions of some beliefs.¹⁹

Through his analysis of Western descriptions of other cultures, Van den Bouwhuijsen finds that the Western culture's relationship to tradition is structured on two assumptions: "1. Tradition is defined by a set of beliefs. 2. Human actions are the expression of underlying beliefs. (So, traditional behaviour is the expression of beliefs that are handed down by the

¹⁴ Clifford Geertz, *Works and Lives: The Anthropologist as Author*, (Polity Press 1988) 71.

¹⁵ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994) 1.

¹⁶ Ibid 512.

¹⁷ Harry van den Bouwhuijsen, 'What Makes Human Differences into Cultural Differences' (1995) 55 (1) *Philosophica* 87-116: 103.

¹⁸ Ibid.

¹⁹ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994) Chapter 11; also see S.N. Balagangadhara, 'Comparative Anthropology and Action Sciences: An Essay on Knowing to Act and Acting to Know' (1987) 40 (2) *Philosophica* 77.

ancestors.)”²⁰ In this connection he suggests that because the traditional behaviour “presupposes knowledge of beliefs,”²¹ it is a “*propositional knowledge*”.²² Therefore he considers the Western relationship to tradition as an *epistemic* one.”²³ Van den Bouwhuijsen points to the lack of knowledge about forms of life in cultures where “actions are not guided by beliefs but by tradition.”²⁴ He proposes a different approach to study the difference between epistemic approach to tradition and that which does not have such an approach²⁵ and is not guided by beliefs but by tradition: “to maximize unintelligibility, instead of reducing other cultures to mirror images of the West”.²⁶ Following in his footsteps, I suggest instead of trying to reduce differences between cultures, let us magnify them to understand other forms of life, other kinds of difference.²⁷

Balagangadhara describes a culture as a “*configuration of learning and meta-learning*.”²⁸ Human beings, like other species, learn how to live and survive in their social and natural habitats.²⁹ Culture can thus be understood as diverse ways of socialising and surviving in an environment; in other words as “how to go about in the world.”³⁰ Since members of a society transmit their specific way of living to younger generations, culture is also learnable and teachable. Therefore, human beings not only learn their culture (*how to go about*). They also learn *how to learn*.³¹ In this regard, learning also includes learning to learn as meta-learning at a cognitive level and is informed by culture.³² That is to say, cultural differences might be contingent upon their meta-learning (learning to learn). Investigating how this culture specific meta-learning is shaped, Balagangadhara suggests that there are various kinds of

²⁰ Harry van den Bouwhuijsen, ‘What Makes Human Differences into Cultural Differences’ (1995) 55 (1) *Philosophica* 87-116, 104.

²¹ *Ibid* 105-106.

²² *Ibid* 106.

²³ *Ibid*.

²⁴ *Ibid*.

²⁵ He opposes calling it “non-epistemic” as it would still reflect the Western cultural perspective.

²⁶ Harry van den Bouwhuijsen, ‘What Makes Human Differences into Cultural Differences’ (1995) 55 (1) *Philosophica* 87-116, 106.

²⁷ *Ibid* 98.

²⁸ S.N. Balagangadhara, *The Heathen in His Blindness--: Asia, the West, and the Dynamic of Religion* (Brill 1994) 427.

²⁹ *Ibid*.

³⁰ *Ibid*.

³¹ *Ibid* 442, I will broadly define learning as “the way in which an organism makes its environment habitable”.

³² *Ibid*.

learning processes and if knowledge is a product of learning, there are different kinds of knowledge in each culture.³³ Each culture utilises available learning processes to a different degree. As such, the availability of different types of knowledge in a culture limits how the members of a culture learn to learn (meta-learning). A unique meta-learning process is established gradually through a configuration of different learning processes in every culture.³⁴

Balagangadhara is not alone in drawing attention to different kinds of knowledge available in a culture. Aristotle, for instance, informs us about three different kinds of knowledge available in his culture: *episteme* ('contemplation'), *techne* and *phronesis*.³⁵ By *phronesis*, Aristotle refers to a kind of prudential wisdom, to do with choice, a choice which is shaped by the social practices of the community.³⁶ Van den Bouwhuisen explains *phronesis* as a kind of knowledge that has to do with *relation to tradition*. One could learn this kind of knowledge, according to Aristotle, by letting oneself be guided by the experience and tradition of one's community.³⁷ With this in mind, in the culture of which Aristotle was a member *relationship to tradition* may not be guided by *episteme*, as it was a practical wisdom.³⁸ As such, *relationship to tradition* cannot be considered epistemic, even though we do not have enough information about what kind of knowledge *phronesis* is.³⁹

We do not find a further formulation on how these different kinds of knowledge shape cultures in Aristotle's writings. Drawing from Balagangadhara, Van den Bouwhuisen argues that unlike the culture Aristotle describes, Western culture is shaped by a configuration of learning and meta-learning processes in which one kind of learning and meta-learning has dominated others: theoretical knowledge.⁴⁰ Drawing on Balagangadhara's

³³ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994) Chapter 11.

³⁴ S.N. Balagangadhara and Divya Jhingran, *Do all roads lead to Jerusalem? The making of Indian religions* (Manohar 2014) 246.

³⁵ Harry van den Bouwhuisen, 'What Makes Human Differences into Cultural Differences' (1995) (55/1) *Philosophica* 87-116, 109.

³⁶ Ibid. Also see Richard J. Bernstein, *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis* (Blackwell 1983) 54.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994) Chapter 11. and a similar point made see Harry van den Bouwhuisen, 'What Makes Human Differences into Cultural Differences' (1995) 55(1) *Philosophica* 87-116, 111.

framework to explain the problem about describing culture in the discipline of anthropology, he argues that:

The presupposition that all cultures do have 'an established system of beliefs' and that they can be adequately described by explicating these beliefs, which 'somehow' guide the behaviour of the participants, has great impact on the intellectual conscience of Western anthropologists. Apparently it is inconceivable to them that behaviour is *not* ultimately, somehow guided by 'a system of beliefs'. *That* is why they will assume that a culture can be described in terms of these beliefs.⁴¹

Balagangadhara argues, one type of (meta) learning process would be dominant and subordinate the other learning processes in the formation of a configuration of learning. Indeed, Balagangadhara argues that it is religion, specifically Christianity, that has provided the dominant meta-learning in the West and consequently shaped the Western culture.⁴² He came to formulate this argument after problematizing the existence of religion as a cultural universal and the belief regarding its universality.⁴³ His research argues that the existence of religion as a cultural universal is a theological claim that has been secularised. Balagangadhara considers secularisation as the process in which theological ideas have gradually lost their obvious ties to theology, and have become common sense ideas.⁴⁴

While Van den Bouwhuijsen argues that the Western relation to tradition is shaped by theoretical knowledge, Balagangadhara argues that it is religion (Christianity) that provides a dominant (meta) learning to shape a culture specific configuration of learning which cultivates theoretical knowledge.

1. 3. 2. Explorations on religion as a cultural universal

⁴¹Harry van den Bouwhuijsen, 'What Makes Human Differences into Cultural Differences' (1995) 55 (1) *Philosophica* 87-116, 99.

⁴² S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994).

⁴³ Ibid.

⁴⁴ This thesis uses secularisation as the process in which theological claims become commonsense ideas. It will be elaborated throughout the thesis, particularly in Chapter 2 and 3.

Dominant Western theorisations posit that religion is a culturally universal phenomenon.⁴⁵ Prior to the Enlightenment, the persistent idea was that, as Fitzgerald puts it, “God implanted the desire to worship him in the heart of Adam and Eve’s descendants and in that sense all humans have religion.”⁴⁶ In the aftermath of the Reformation, in response to the debates between theists and free thinkers over the existence of God in the 18th century, David Hume developed the idea of natural religion.⁴⁷ The dominant view of theists was the argument “from design” that the operation of the natural world is so perfect that it evinces the existence of God.⁴⁸ Hume discredited this view by claiming that belief in the existence of God is not based on reason; but stems from the nature of human psychology.⁴⁹ In this connection, he construed the difference between polytheism and theism as “a kind of flux and reflux in the human mind, and that men have a natural tendency to rise from idolatry to theism, and to sink again from theism into idolatry.”⁵⁰ He further called polytheism the first ancient mode of religious belief while “the genuine theism” refers to monotheism.⁵¹

Regardless of this evolutionary view, the presumption that religious belief is inherent in human psychology has been recognised as culturally universal scientific data. Indeed, Preus is of the opinion that “Hume disposed of the last remaining religious explanation and legitimation of religion – the claim that religion is innate.”⁵² Thus, he credits Hume “with the intellectual completion of the paradigm shift from a religious to a naturalistic framework for the study of religion.”⁵³ However, Balagangadhara’s analysis of this intellectual paradigm reveals continuity between naturalistic explanations and theological explanations over the existence of religion. He demonstrates that the explanatory theories about religion as the naturalistic paradigm suffer from

⁴⁵ Max Weber, *The Sociology of Religion* (Beacon Press 1993), Emile Durkheim, *The Elementary Forms of the Religious Life* (Courier Corporation 2008), Mircea Eliade, *The Sacred and the Profane: The Nature of Religion* (Vol. 144) (Houghton Mifflin Harcourt 1959).

⁴⁶ Timothy Fitzgerald, ‘Who Invented Hinduism? Rethinking Religion in India’ in Bloch Esther, Rajaram Hegde, Marianne Keppens (eds), *Rethinking Religion in India* (Routledge 2009) 130-150, 116.

⁴⁷ David Hume, *The Natural History of Religion* (A. and H. Bradlaugh Bonner 1889).

⁴⁸ Ibid Intro -5.2.

⁴⁹ Ibid.

⁵⁰ Ibid 8.1.

⁵¹ Ibid Intro, 4.1, 15.1.

⁵² J. Samuel Preus, *Explaining Religion: Criticism and Theory from Bodin to Freud* (Oxford University Press 1996) 207.

⁵³ Ibid.

petitio principii, which means that they assume the existence of religion and then try to find an explanation for its existence.⁵⁴ Therefore, the explanatory theories that began crystallising with Hume mistakenly construct the relation between *explanans* and *explanandum*. Scientific methodology requires a logical relation between what is explained (the *explanandum*) and that which does the explaining (the *explanans*). In case of the naturalistic explanations about religion, the *explanans* identified the ‘natural’ causes, while what required explanation was the universality of religion or why mankind had to invent religion.⁵⁵ Balagangadhara underlines two crucial weaknesses of this intellectual paradigm: first, a lack of empirical data about the existence of religion in other cultures and second, the presupposition of its *explanandum*. In other words, what needs proving (the universality of religion) was presupposed. In this connection, the assumption that religion is universal is not part of a theory formation; instead it precedes theorising about religion and as such what needs proving was presupposed.⁵⁶ Studies on Alevi and Alevism demonstrate similar issues in the sense that they assume the existence of religion in Alevi culture and try to find an explanation for what kind of religion Alevism is.

The assumption that every culture or society has a religion has continued relevance. It manifests in different definitions of religion that strive to encompass all relevant phenomena that ‘don’t really look like’ religion but, following the assumption, must be a *kind* of religion. For example, a well-known scholar on the subject, Geertz, defines religion as a "system of symbols" that underlies a worldview.⁵⁷ However, scholars point to the difficulty of applying definitions of religion in Asian cultures.⁵⁸ As the assumption that religion exists in every culture became rooted, academic discussions have

⁵⁴ S. N. Balagangadhara, “The Origin of Religion: Why is the Issue Dead?” (1990) 3(3) Cultural Dynamics 281-316.

⁵⁵ Ibid 285.

⁵⁶ Ibid 290.

⁵⁷ Clifford Geertz, *The Interpretation of Cultures* (Basic Books 1973).

⁵⁸ Frits Staal, *Rules without Meaning: Ritual, Mantras, and the Human Sciences* (Peter Lang 1989) 393, Richard King, *Orientalism and Religion: Postcolonial Theory, India and 'the Mystic East'* (Routledge 2001). Timothy Fitzgerald, *The Ideology of Religious Studies* (Oxford University Press 2000).

focused on disputes about definitions of religion.⁵⁹ All these arguments over definitions obscure the fact that the assumption that the phenomenon of religion exists in every society is pre-theoretical. In other words, whether Geertz's definition reflects Christian history or not does not help us in how to distinguish a phenomenon as a religion, which requires a theory and not a definition. Balagangadhara warns that "when one confuses between defining a word and theorizing a phenomenon[...] one enters a dead-end: it is as though the task of a definition is to classify objects and decide whether or not they belong to a particular category. But this generates disputes that cannot be settled."⁶⁰

Following the footsteps of the intellectual paradigm explained above, the attempts to come up with definitions of religion that include all religions paved the way for the emergence of the discourse of world religions.⁶¹ However, with the general critique of Enlightenment ideas unpacked as Protestant theology, as discussed further below, academics have focused on investigating the constructions of different religions. For example, for Asad, by insisting on the importance of symbolic meanings in his definition of religion, Geertz expresses "a view that has a specific Christian history", since "the demand that a practice must 'affirm something', that it should be able to state a meaning, is the first condition for determining what is truly religious."⁶² Asad suggests that using the genealogical approach to study religion as well as the secular tries to unsettle the formation of these categories and reveal different power relations embedded in these formations. Exemplary of this approach, Asad and Masuzawa argue that religion is constructed and carries strong theological bias against non-Western cultures.⁶³ Following

⁵⁹ Max Weber, *The Sociology of Religion*. (Beacon Press 1993), Emile Durkheim, *The Elementary Forms of the Religious Life* (Oxford University Press 2001), Mircea Eliade, *The Sacred and the Profane: The Nature of Religion* (Vol. 144) (Houghton Mifflin Harcourt 1959), Michael Lambek (ed) *A Reader in the Anthropology of Religion Vol. 2* (Blackwell 2002).

⁶⁰ Jakob De Roover and Sarah Claerhout, 'The Colonial Construction of What?' in Bloch Esther, Rajaram Hegde, Marianne Keppens (eds), *Rethinking Religion in India* (Routledge 2009) 164-183.

⁶¹ Tomoko Masuzawa, *The Invention of World Religions: or, How European Universalism was Preserved in the Language of Pluralism* (University of Chicago Press 2005).

⁶² Talal Asad, 'Anthropological conceptions of religion: reflections on Geertz' (1983) 18 (2) *Man* 237-259, 245.

⁶³ Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford University Press 2003); Tomoko Masuzawa, *The Invention of World Religions: Or, How European Universalism was Preserved in the Language of Pluralism* (University of Chicago Press 2005); Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (JHU Press 2009).

colonial expeditions to foreign lands, the discourse of world religions was constructed: What were once Christians, Muslims, Jews and the pagan rest was dissolved into multiple "isms".⁶⁴ However, arguments about the construction of a phenomenon are not clear about what is being constructed and whether constructed phenomena exist in reality or not. De Roover and Claerhout's analogical insight helps us to pinpoint the problem with the constructivist approach: Analogically thinking of gravity, observing the ebb and tide in the sea and objects falling down can only be explained by a theory of gravity. Similarly, in order to account for religion being a mere construct, we first need to have a theory of religion that accounts for its characteristics and its link to other phenomena.⁶⁵

All these above mentioned issues concerning religious studies denote the lack of scientific theorising about religion. In his book, *the Heathen in His Blindness*, Balagangadhara develops a theory of religion through an in-depth historical and cultural analysis of Christianity, Antique Greek, Roman and Indian cultures and offers a framework for the comparative study of cultures. Balagangadhara's theory of religion gives us another way of understanding the assumption that religion is a culturally universal phenomenon. He proposes that religion is an explanatorily intelligible account of the cosmos and of itself.⁶⁶ As such, the only religions are Christianity, Islam and Judaism, as these belief systems are the only ones which subscribe to the definition. His theory will be explained further in the following chapter, and used to analyse Alevism and the Alevi culture. There seems to be a consensus about Alevism as a religion, albeit disputed whether as a cultural richness of Islam (as considered by the Turkish authorities), or a non-Sunni Islamic denomination of Isla (as considered by the ECtHR), or a religion on its own (as considered in the UK). This thesis intends to disrupt the consensus by drawing on Balagangadhara's theory of religion.

⁶⁴ Tomoko Masuzawa, *The Invention of World Religions: Or, How European Universalism was Preserved in the Language of Pluralism* (University of Chicago Press 2005).

⁶⁵ Jakob De Roover and Sarah Claerhout, 'The colonial construction of what?' in Bloch Esther, Rajaram Hegde, Marianne Keppens (eds), *Rethinking Religion in India* (Routledge 2009) 164-183, 166.

⁶⁶ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994).

1. 3. 3. Cultural encounters

Recalling Balagangadhara's claim over the double dynamic of religion that shapes dominant meta-learning in the West, we first need to explain what this dynamic consists of. Balagangadhara describes this dynamic through two processes: proselytisation and secularisation. The account of the cosmos that religion provides spreads in two ways. It gains converts in the process of proselytisation through the spread of its specific account. Yet, also as an account it universalises itself, which is also accompanied by the process of secularisation. These two processes bring about universalisation of religion as a religion and as a worldview (religion in a secularised guise). In this connection, the continuity between the theological explanations about the universality of religion and the intellectual paradigm that displays *petitio principii*, explained above, is attributable to the secularisation of religion. Secularisation of religion and specifically Christian ideas are discussed in detail in Chapter 2 and 3.

Drawing on the above framework on cultural differences as differences in configurations of learning, the double dynamic of religion is the movement that provides the dominant meta-learning, which generates 'knowing about' or 'theoretical knowledge' which has an epistemic relation to tradition, in terms Van den Bouwhuijsen uses. Balagangadhara elaborates that:

What makes this 'knowing about' into the dominant way of learning is its extension to all other goings-about in the world. To know a people or a culture is to know their 'beliefs'. Because all human actions are expressions of beliefs, to know cultures is to have knowledge about the beliefs of these cultures. These beliefs, of course, will have to do with what they think about the world, what they think about what there is in the world.⁶⁷

In response, his problematisation of religion as a cultural universal and the belief in its universality shows him that Western culture is constituted by religion, which provides a (meta) learning that sees other cultures only through their belief systems or worldviews. Thus this framework for cultural differences enables him to explain why the belief about the universality of religion across cultures is so strong.

⁶⁷S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 401-402.

Unlike Western culture, Balagangadhara argues the difference of Indian culture lies in lacking religion. Instead, he proposes that performative learning dominates the configuration of learning in Indian culture, similar to Van den Bouwhuisen's term 'other than epistemic'. This point will be elaborated in detail through my fieldwork analysis of the Alevi traditions, in Chapter 3. However, it is important to note that a configuration of learning is an amalgam of different learning processes, where one particular learning process dominates others in Balagangadhara's framework. As such, different learning processes do exist in each culture and hence different kinds of knowledge. However, the dominant learning process gives shape to meta-learning and thus a culture specific way of learning. As Balagangadhara points to the relationships between the dominant and subordinate processes of learning that account for a culture.⁶⁸ Therefore, subordinate learning processes do operate but manifest themselves differently depending on the meta-learning.

Reading the analytical separation of religious traditions and 'performative' traditions with this in mind, there are rituals in religious traditions and elements of religion in 'performative' traditions.⁶⁹ However, in a religious tradition, ritual is reduced to the level of symbols and meanings.⁷⁰ The belief and meaning of the ritual guides the religious ritual. Similarly, art becomes the expression of an idea.⁷¹ By the same token, elements of a religion might exist in a 'performative' tradition. Yet, these do not create an explanatorily intelligible account of the cosmos or a worldview, or a system of belief. Thus one may recognize some fragments and pieces, that belong to a different pattern of life.⁷² Therefore, rather than classificatory speaking, it is important to examine the 'place' of a domain within the learning process of a specific tradition. In this sense, despite 'performative' traditions seeming to have 'gods', 'worship' and 'doctrines', they address different aspects and are shaped in different learning processes. This aspect of Balagangadhara's analysis is applied in Chapter 3 to understand the relationship between Alevism

⁶⁸ S.N. Balagangadhara, *"The Heathen in His Blindness" --: Asia, the West, and the Dynamic of Religion* (Brill 1994) 427.

⁶⁹ Ibid 426-429.

⁷⁰ Ibid 437.

⁷¹ Ibid 402.

⁷² Ibid 429.

and Islam, that is a matter of continuous debate, as seen in Alevis' recognition demands before the authorities and before courts of law.

At the time of contact between these cultures (a culture with religion and a culture without a religion), the culture with religion absorbs the culture without religion into its own image, which brings about "effacing the otherness of the other."⁷³ This is because from the viewpoint of religion, all cultures must have a religion or a system of belief (worldview in secularised terms) and thus understanding other cultures means trying to know of their religion or system of belief. The religious cultural attitude sees traditional practices as being grounded on beliefs. Two theological ideas of three existing religions (Christianity, Islam and Judaism) prepare ground for the universality of religion. The idea that God implanted the desire to believe in him and the idea that all human races have been descendants of Noah.⁷⁴ These theological ideas that all three religions share do not allow the existence of people without religion.⁷⁵ Therefore, at the time of contact, as in the case of colonial expeditions, cultures without religion were constructed on imagined religions.

This construction is different from the above-explained genealogical approach in the sense that these constructions did not have a place in reality; rather they exist as experiential entities of cultures with religion. They are experiential in the sense that they provide coherence to a religion's account of another culture. It is a reflection of the experience of cultures with religion. In this connection, Balagangadhara argues that

'Hinduism' is both a false description of Indian reality and is an imaginary entity. It is false not because the West gave a false description of some reality ('Hinduism' in this case) but because they falsely assumed that the experiential entity was also a real entity in the world. It is imaginary in the sense that it does not have an existence outside the experience of western culture.⁷⁶

⁷³ Ibid 330-331.

⁷⁴ Jakob De Roover, 'Incurably religious? Consensus Gentium and the Cultural Universality of Religion' (2014) 61(1) *Numen* 5-32.

⁷⁵ Ibid 8 where De Roover makes this claim for Christianity in particular over the challenge to this theological claim, posed by the existence of people without religion and the endeavour of revising the first-phase reports from Colonies to represent the natives' religion. He adds: "In this way, during the course of 18th century, the theological postulate about the existence of God in human communities was transformed into the anthropological belief about cultures."

⁷⁶ S. N. Balagangadhara, 'Orientalism, Postcolonialisms and the 'Construction' of Religion' in Bloch Esther, Rajaram Hegde, Marianne Keppens (eds), *Rethinking Religion in India* (Routledge 2009) 135, 138.

According to Balagangadhara, the Indians also internalised the process described above that effaces their otherness. He calls this process of internationalisation as “colonial consciousness” by arguing as a product of colonialism since “colonialism denies the colonized peoples and cultures their own experiences; it makes them aliens to themselves; it actively prevents descriptions of their own experiences except in terms defined by the colonizers.”⁷⁷ In this connection, it creates and sustains a consciousness that replaces the experiences of the colonized about their own culture with the experience of the colonizer. Relying on violence to alter the experience of the colonizer, for Balagangadhara, colonialism “denies the colonized their experience of the world by imposing on them unjustifiable frameworks of description through violence.”⁷⁸ As a result of both intellectual and physical violence, Indians came to internalise the experiential entities of the coloniser and describe their culture in terms of the coloniser’s culture as though there are indigenous religions in India. In case of Alevis, the transformation that they have been going through by being organised in a transnational movement that have been gradually engaged with religious rights advocacy might be seen as a something similar to the consciousness Balagangadhara talks of. While we cannot talk about a project like colonialism to alter the Alevi experience of their culture, their historical contact with Muslims might have similar effects on the transformation of the Alevi traditions, which will be discussed in Chapter 3.

Alevis, historically known as Kızılbaş, were subjected to persecution by the Ottomans for their beliefs and practices because they were accused of holding heretical beliefs and practices. In addition to this physical violence, their interactions with Muslims reflect a process of effacing the otherness of the other. As a result. Balagangadhara’s research focuses on Christian missionaries and Western colonialism in Asia. Thus, it remains limited in analysing the contact between Islam and cultures without religions in Turkey and the Middle East. However, his framework for analysing the conversion process of cultures without religion into heathen religions, which results in effacing the otherness of the other, is a useful heuristic to analyse

⁷⁷ S. N. Balagangadhara, *Reconceptualizing India Studies* (Oxford University Press 2012) 111.

⁷⁸ Ibid 113.

how Alevis are absorbed into an Islamic framework. In this regard, Chapter 3 specifically demonstrates the ambiguity of religious adherence in the Ottoman Empire until the 15th century and subsequent “Sunnitization” of the Empire, simultaneously absorbing non-religious elements of the Empire by labelling them heretical.

1. 3. 4. The process of secularisation

The process in which colonial consciousness was created and sustained in India spans a few hundred years from the 15th century missionary expeditions until 18th century colonial governance. I analyse this process in parallel to the developments in Europe that include the Protestant Reformation and the Enlightenment, which gave rise to the ideas of religious toleration and a secular state. In parallel to Balagangadhara, De Roover indicates a certain dynamic within Christianity that triggered the Protestant Reformation: the crucial separation between true worship and false worship, that precedes determining the realm of the secular. Demarcating the realm of allowed (secular) and forbidden (false worship) practices to be a ‘true’ Christian has carried great importance since the early formation of Christianity. In parallel, distinguishing true and false worship has been a constant dynamic within Christian theology. Hence, it is said that: “[idolatry] directed its worship at visible and carnal objects, while true religion should have the invisible spiritual as its object of worship. Second, idolatry presented human laws and works as means to the justification of the soul.”⁷⁹ The Protestant Reformation marked an enormous effort to cleanse Christianity of idolatrous practices in order to (once again) purify it. Reformers objected to a number of Catholic rituals and performances such as festival dances and local customs on the grounds of idolatry.⁸⁰ In this regard, Balagangadhara argues that the Protestant Reformation brought about four main issues, which transformed the perception

⁷⁹ Jakob De Roover, ‘Secular Law and the Realm of False Religion’ in Sullivan W F, Yelle R A, Taussig-Rubbo M (eds), *After Secular Law* (Stanford University Press 2011) 43-61, 46-47.

⁸⁰ Jakob De Roover and S.N. Balagangadhara, ‘John Locke, Christian Liberty, and the Predicament of Liberal Toleration’ (2008) 36 (4) *Political Theory* 523-549; Jakob De Roover and S.N. Balagangadhara, ‘Liberty, Tyranny and the Will of God’ (2009) 30 *History of Political Thought* 111-139.

of belief: the concept of idolatry, corruption of religion, relationship between God and humanity and the issue of truth.⁸¹

In his book *Europe, India and the limits of Secularism*, De Roover traces the ideas of religious toleration and the secular state that Western political theory has been grounded on and investigates the process in which the separation of the realm of true worship, false worship and secular was reduced to the realm of religion and secular.⁸² That is, he analyses how the triad of true religion, false religion and secular were transformed into the binary between religious and secular during the post Reformation formulations of political theory.⁸³ His analysis of Enlightenment thinkers such as John Locke reveals a strong connection between the ideas of religious toleration, secular state and Christian theology. This connection is indeed cited by other scholars as well.⁸⁴ However the strength of De Roover's analysis comes from his argument that the ideas of political theory depend on Christian theology for their intelligibility. In non-Christian contexts, he shows for the case of India, they lose sense and therefore cannot provide solutions for co-existence. For him, the general acceptance of liberal toleration as the formula for co-existence shows the secularization of Christian theology in the form of political theory. This is when "Christian religious ideas are being reproduced in secular guise in the Western intellectual tradition."⁸⁵ De Roover describes it as "the process whereby *tropes* of a particular theology are transformed into *topoi* of a culture or society."⁸⁶ Indeed, He dismantles many promises of the Enlightenment narrative as unravelling the patterns of the Protestant theology. De Roover considers secularization as a complex process:

Tropes are patterns of reasoning that become commonplaces of a culture and can then be transformed into *topoi* that constitute social and political theories. Both tropes and *topoi* consist of clusters of ideas which are articulated and interpreted in many ways and combined and recombined to build different theories.⁸⁷

⁸¹ S.N. Balagangadhara and Divya Jhingran, *Do All Roads Lead to Jerusalem? The Making of Indian Religions* (Manohar Publications 2014) 53.

⁸² Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015).

⁸³ Ibid.

⁸⁴ Winnifred Sullivan, Robert Yelle and Mateo Taussig-Rubbo (eds), *After Secular Law* (Stanford University Press 2011).

⁸⁵ Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015) 70.

⁸⁶ Ibid 72.

⁸⁷ Ibid 72.

Because of the dependence on the earlier theological claims, the reduction of the triad into the binary between religious and secular drives the realm of false religion away from the discourse of political theory. Idolatry or false religion has been secularised as the system of belief and a competing claim to the ‘true’ account of religion. However, as will be shown in the case of Alevis, some differences cannot be articulated as a system of belief. By accepting the Semitic religion’s idea of religion as a matter of truth, secular law cannot keep up its promise of neutrality. Since secular law fails to acknowledge the presence of false religion and secular law’s dependence on a theological framework, traditions that fall within the realm of false religion (within the theological framework) struggle to find a place (be recognised). This is where Alevis also find themselves, as this thesis will demonstrate. This argument is developed particularly in Chapters 4, 5 and 6 in relation to Alevis’ interactions with law.

1. 3. 5. Secular law’s treatment of religion

These critiques on the formation of religion and the secular have strong implications for the study of law as well. The implicit assumption that religion is a culturally universal system of symbols that constitutes a cosmological framework is manifested in the recognition of religious belief as a fundamental human right.⁸⁸ Religion becomes the domain where cultural differences are articulated, even though religion and thereby the separation between religion and secular might seem to alien in some traditions. In this connection, Scholars increasingly argue against secular law’s image as ahistorical and afloat from its culture-specific context. They point to how the secular law inherited the Protestant understanding of religion as centred around belief and how problematic the universal application of the principle of freedom of religion became.⁸⁹

⁸⁸ Michael J. Perry, *Toward a Theory of Human Rights: Religion, Law, Courts* (Cambridge University Press 2006), Sumner Twiss, Marian Simion, & Rodney Petersen (eds), *Religion and Public Policy* (Cambridge University Press 2015).

⁸⁹ Winnifred F. Sullivan, Robert Yelle and Mateo Taussig-Rubbo (eds), *After Secular Law* (Stanford University Press 2011), Saba Mahmood and Peter Danchin, ‘Immunity or Regulation? Antinomies of Religious Freedom’ 113 (1) (Winter 2014) *South Atlantic Quarterly* 129–158; Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton University Press 2015).

In her book *the Impossibility of Religious Freedom*, Sullivan argues that diverse religious communities are compelled to 'reinvent' their religions to fit into the secular legal systems.⁹⁰ Analysing the case of *Werner v Boca Raton* in Miami in the US, Sullivan shows how legal systems that proclaim religious freedom are unable to fulfil that promise because of the constrained notion of religion and its permitted exercise. Her analysis is based on her involvement as an expert in the court proceeding of *Werner v Boca Raton* where applicants argue their distinctive way of decorating graves were within the ambit of free exercise of religion. For Sullivan, freedom for "lived religion" is impossible in the US because of law's reliance on Protestant understanding of religion as doctrinal and belief centred. Instead Sullivan suggests shifting the focus from religious freedom to the principle of equality for accommodation of difference without particular treatment of religion.⁹¹ Although Sullivan addresses an important point by pointing to the implicit Protestant approach that law adopts, she does not go far enough with it. Merely abandoning religion is avoidance of the core of the problem that a religious framework within the law continues to replicate.

Similar to Sullivan, Laborde also identifies the inability of secular law to accommodate religious claims; but also avoid the problem that this thesis aims to address. Approaching from a philosophical standpoint and concerned with the liberal egalitarian theory of religion and the state, Laborde tries to revise liberal egalitarianism to respond to the critical religious studies, mainly the genealogist approach discussed above, although she does not discuss Balagangadhara's theory of religion in her response.⁹² For Laborde, the secular courts of law do not need to define religion semantically. She adopts an 'interpretative' approach and therefore suggests desegregating religion based on the values it promotes. She aims at developing a response to critiques over liberal egalitarians' consideration of religion as being narrow, sectarian and unfair to non-religious people.⁹³ The problem Laborde addresses is to find an approach (which she calls, desegregation) for an inclusive theory of

⁹⁰ Winnifred F. Sullivan, *The Impossibility of Religious Freedom*. (Princeton University Press 2005).

⁹¹ Ibid 151-157.

⁹² Cécile Laborde, *Liberalism's Religion* (Harvard University Press 2017).

⁹³ Cécile Laborde, 'Religion in the Law: Desegregation Approach' (2015) 34 Law and Philosophy 581-600.

religious freedom that meets three necessary desiderata, being non-narrow, non-sectarian and fair to non-religious people.⁹⁴ However critical these studies on the secular law's handling of religion, they presume the universality of religion across cultures. I aim to explore the problem over assuming religion as a cultural universal, which is not addressed by these studies.

1. 3. 6. Literature on Alevis and Alevism

The question of how Alevism and the elements of the Alevi culture were constructed has been asked before. For example, a great deal of attention has been given to the political formation of Alevism and historical and cultural aspects of Alevi culture.⁹⁵ These studies attribute a nebulous religiosity to Alevi traditions as an un-theorised premise, however critical they might be in other aspects.⁹⁶ While some studies discuss the intertwining categories of the religious and secular, they do not question the use of the religious-secular framework itself.⁹⁷ Unlike the available literature, this thesis scrutinises Alevi traditions without presuming religiousness in them. In this connection, it also scrutinises the very existence of an Alevi religion in the form of Alevism.

Moreover, there is no research specifically looking at the legal aspects with respect to the formation of Alevism, although Alevis' increasing reliance upon law for official recognition has been noticed by many scholars.⁹⁸ As the human rights framework is of increasing relevance to the rise of identity politics in multicultural societies, Alevis also demand their 'rights' and so also

⁹⁴ Ibid 586.

⁹⁵ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013); David Shankland, *The Alevis in Turkey: the Emergence of a Secular Islamic Tradition* (Routledge 2003); Martin Sökefeld, *Struggling for Recognition: The Alevi Movement in Germany and in Transnational Space* (Berghan Books 2008); Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012); Krisztina Kehl-Bodrogi, Barbara Kellner Heinkele, Anke Otter Beaujean (eds), *Syncretistic Religious Communities in the Near East* (Brill 1997); Irene Melikoff, *Uyur İdik Uyardılar, Alevilik-Bektaşilik Araştırmaları* (Demos 2009).

⁹⁶ Martin Sökefeld, *Struggling for Recognition: The Alevi Movement in Germany and in Transnational Space* (Berghan Books 2008); Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012); Irene Melikoff, *Uyur İdik Uyardılar, Alevilik-Bektaşilik Araştırmaları* (Demos 2009).

⁹⁷ Markus Dressler, *Writing Religion: The Making of Turkish Alevi Islam* (Oxford University Press 2013); Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished PhD Dissertation Harvard University 2008).

⁹⁸ Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012) 155-157.

become particularly concerned about the legal aspects of the formation and representation of Alevism.⁹⁹ In this connection, the major thrust of this thesis is to unsettle the categories of the secular and religious by analysing the framing of Alevi claims within the secular legal systems of the modern state.

Alevis' immigration to different European countries gave rise to the formation of an Alevi diaspora forging transnational ties. Literature on diasporas generally has expanded since the late 1980s.¹⁰⁰ Diaspora literature varies in conceptualizing the term from a strict approach adapted by Saffran to an extensive approach inclusive of many immigrant communities.¹⁰¹ However, scholars agree that an imagined homeland and its influence on identity formation remain distinctive for the concept of diaspora. In parallel to Vertovec, Marienstras, I consider the concept of diaspora involving a strong connection between an immigrant population, a place of origin and people of similar origins elsewhere.¹⁰² Also following Vertovec, I use transnationalism in the sense that "the actual, ongoing exchanges of information, money and resources – as well as regular travel and communication – that members of a diaspora may undertake with others in the homeland or elsewhere within the globalized ethnic community."¹⁰³

Although the concept of diaspora has been criticised for its strong reference point to the nation-state model and thus not a sufficient tool for analysing global dynamics of culture, identity and belonging,¹⁰⁴ the Alevi presence in Europe can be considered as a diaspora community for two main reasons: the reference to Turkey not only for current identity formation but also historical reference to past persecution is prominent in the formation of Alevi identity in the UK and Europe as well as the transnational dimension of identity formation, as will be discussed in Chapter 4 and 6. Therefore, not in the sense

⁹⁹ Celia Jenkins and Ümit Çetin, 'From a "Sort of Muslim" to 'Proud to Be Alevi: the Alevi Religion and Identity Project Combatting the Negative Identity among Second-generation Alevis in the UK' (2018) 20(1) *National Identities* 105-123; Celia Jenkins, Ümit Çetin and Suavi Aydın (eds), *Alevism as an Ethno-religious Identity: Contested Boundaries* (Routledge 2018).

¹⁰⁰ Rogers Brubaker, 'The 'diaspora' diaspora' (2005) 28 (1) *Ethnic and Racial Studies* 1-19.

¹⁰¹ Virinder Kalra, Raminder Kaur, and John Hutnyk (eds), *Diaspora and Hybridity* (Sage 2005).

¹⁰² Steven Vertovec, 'Religion and Diaspora', in Peter Antes, Armin W. Geertz and Randi Warne (eds), *New Approaches to the Study of Religion* 275-304, 282; Richard Marienstras, 'On the Notion of Diaspora' in Gerard Chaliand (ed) *Minority Peoples in the Age of Nation-States* (Pluto 1989) 119-25, 120.

¹⁰³ Steven Vertovec, 'Religion and Diaspora', in Peter Antes, Armin W. Geertz and Randi Warne (eds), *New Approaches to the Study of Religion* 275-304, 282.

¹⁰⁴ Yasemin Nuhoglu Soysal, 'Citizenship and Identity: Living in Diasporas in Post-war Europe?' (2000) 23(1) *Ethnic and Racial Studies* 1-15.

of an isolated closed community but in the sense that a reference to homeland and transnational ties are very strong in the identity formation of Alevis in the UK that enable me to consider them a transnational diaspora community. Moreover, this identity formation exhibits strong continuous reference to Turkey not only historical but also contemporary. For instance, the All Party Parliamentary Group for Alevis (APPGA) in the UK was established in 2016 with the aim of promoting Alevis' legitimate socio-political aspirations. One of the first activities of the APPGA was to send letters to the Gaziantep Governorate in Turkey to grant permission for Alevi commemoration of Maras 1978 events that targeted Alevis.¹⁰⁵ In addition, different Alevi Federations operate together in their advocacy strategies and community formations in respective countries. For instance, in preparing an Alevism curriculum for religious education in the UK, the Britain Alevi Federation consulted with the Alevi Federation in Germany to learn about their curriculum and efforts.

The Alevi diaspora in different European states is organized into local community centres, and regional and national federations, which are all linked to the umbrella organization, the Europe Alevi Federation.¹⁰⁶ The administrative boards of these organizations have been actively involved in formulating policies for recognition in the respective countries, as well as lobbying their local authorities and governments to improve the situation of Alevis in Turkey.¹⁰⁷ This diaspora movement has an influence on the formation of Alevism in Turkey. For example, an Alevi Manifesto, in which demands for the recognition of Alevis were set out for the first time, was first declared in Hamburg in 1989 and then in Turkey in 1990.¹⁰⁸ Similarly, the increasing visibility and celebration of Alevi traditions was manifested in a public display of the *Cem* ritual in Cologne in 2000 and in Istanbul in 2002.¹⁰⁹ This colossal event was called 'saga of millennium' and was organized by the European

¹⁰⁵ 'İngiltere Parlamentosu Alevi grubundan Maraş Katliamı kararı', 17 December 2015, available at <http://www.sizehaber.com/mobil/haber/240611/ingiltere-parlamentosunda-maras-katliami-karari-alindi> (accessed 16 November 2019).

¹⁰⁶ My fieldwork findings discussed in Chapter 6, also for the context of Germany, see Martin Sökefeld, 'Alevis in Germany and the Politics of Recognition' (2003) 29 *New Perspectives on Turkey* 133-161.

¹⁰⁷ Ibid.

¹⁰⁸ Mehmet Demiray, 'Understanding the Alevi Revival: Transnational Perspective' (Unpublished PhD Dissertation Bilkent University 2004) 113.

¹⁰⁹ *Cem* is considered as the foremost Alevi ritual and in the claims for recognition, *Cem* is represented as worship and hence *cemevi* to be recognized as a place of worship.

Federation of Alevi Associations.¹¹⁰ Thousands of people attended including government officials.

The transnational terrain of Alevi politics allows Alevis to navigate in multiple secular legal frameworks to experiment with different formulations of Alevi traditions, which would pave the way for legal recognition. In 2000 the Islamic Federation of Berlin was granted the right to teach Islam at schools in Berlin.¹¹¹ This development marked a turning point for the Alevi diaspora, which awakened in a rather unexpected way to the potential of making legal claims through minority rights and the principle of freedom of religion.¹¹² Subsequent to the demands of Alevis, in 2002, the Federation of Alevi Organizations in Germany was also recognised as a religious community distinct from Sunni Islam and allowed to teach Alevism in schools in Berlin.¹¹³ This legal gain in the German context accelerated the advocacy of the Alevi movement in other diaspora contexts as well as in Turkey.

Moreover, the transnational dimension of the Alevi movement necessitates comparative research, coupled with multi-sited fieldwork, to better comprehend the formation of Alevi claims and Alevism. Beginning in the 1980s and accelerating in the 1990s, the culmination of several factors discussed below, this transnationalism reinforced a process that is known as 'the Alevi Revival'.¹¹⁴ This process is marked by Alevis' thirst to understand who they are and what Alevism is, primarily for the purposes of self-expression and transmission of the tradition. It led to a boom in the number of publications on myriad aspects of Alevism, and the increasing visibility of Alevi identity, public performance of the Alevi traditions, and the number and forms of Alevi

¹¹⁰ Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished PhD Dissertation Harvard University 2008).

¹¹¹ Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012) 195-199.

¹¹² Krisztina Kehl-Bodrogi, 'Alevis in Germany on the Way to Public Recognition?' (2001) 8 ISIM Newsletter 1.

¹¹³ Ibid; also see Esra Özyürek, 'The Light of the Alevi Fire was Lit in Germany and Then Spread to Turkey: A Transnational Debate on the Boundaries of Islam' (2009) 10 (2) Turkish Studies 233-253.

¹¹⁴ Besim Can Zırh, 'Becoming Visible Through Migration: Understanding the Relationships Between the Alevi Revival, Migration and Funerary Practices Through Europe and Turkey' (Unpublished PhD dissertation University College of London 2012); see also Esra Özyürek, 'The Light of the Alevi Fire was Lit in Germany and Then Spread to Turkey: A Transnational Debate on the Boundaries of Islam' (2009) 10 (2) Turkish Studies 233-253; Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012) 195-199.

organizations. The process in Turkey also concomitantly converged with the process of a more organized Alevi diaspora in Europe. In particular, the post-cold war politics of identity and multiculturalism encouraged a kind of community formation around religion, with its tax benefits or other modes of redistribution.¹¹⁵

From 1970s different European countries began implementing multicultural policies as a response to increasing diversity. Multiculturalism refers to the wide spectrum of theories, practices, approaches and policies that aim at providing public recognition of and support for accommodation of minorities.¹¹⁶ Despite significant criticism of multiculturalism and the change of language in government discourse regarding multiculturalism, multiculturalism has been a persistent trend in policy-making and accommodation of diversity in many European countries including the UK, since the 1970s. Vertovec and Wessendorf describes multiculturalism as “as a broad set of mutually reinforcing approaches or methodologies concerning the incorporation and participation of immigrants and ethnic minorities and their modes of cultural/religious difference.”¹¹⁷ Borrowing Ballard’s term of cultural navigators, Alevis navigate within the politico-legal systems of their settlement countries to ask for recognition as a faith community, given the benefits of being recognised as a faith community in the UK.¹¹⁸

This thesis analyses the context of Turkey and the UK comparatively as well as the jurisdiction of the ECtHR, where Alevis increasingly litigate against Turkey, although not as yet the UK. As law is the primary domain for implementing state policies with regards to religion, comparing these different legal systems in terms of the accommodation of Alevi claims allows for a more elaborate analysis of the role of legal frameworks in the conceptualisation of Alevism. This comparison also provides indicators about what mechanisms are available for the recognition of 'religious' communities in respective contexts.

¹¹⁵ Esra Özyürek, ‘The Light of the Alevi Fire was Lit in Germany and Then Spread to Turkey: A Transnational Debate on the Boundaries of Islam’ (2009) 10 (2) *Turkish Studies* 233-253.

¹¹⁶ Duncan Ivison (ed), *The Ashgate Research Companion to Multiculturalism* (Routledge 2016) 2.

¹¹⁷ Steven Vertovec and Susanne Wessendorf (eds), ‘Assessing the Backlash Against Multiculturalism in Europe’ in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 1-31, 4.

¹¹⁸ Roger Ballard, ‘The Emergence of Desh Pardesh: Introduction’ in Roger Ballard (ed) *Desh Pardesh: the South Asian Presence in Britain* (Hurst & Company 1994).

Turkey, which has the largest and indigenous Alevi population, secures the principle of laicism (*laiklik* in Turkish) in its constitution. Turkey's unitary legal structure was established upon legal transplantation from European countries and law was instrumentalised to transform a largely Islamic society to mimic the West, particularly Western secularism.¹¹⁹ Yet, the Turkish Republic has institutionally supported only a certain version of Islam through the Directorate of Religious Affairs (Diyanet).¹²⁰ As a state institution, the Diyanet is responsible for organising religious life in Turkey. It has gradually expanded over the years with its budget exceeding that of a number of ministries.¹²¹ Furthermore, upon request, the Diyanet provides opinions with respect to Islamic acceptability of certain practices to courts and other state bodies over a wide range of issues, including a variety of Alevi demands. We will see further in Chapter 4 how these structures marginalise Alevis in the Turkish political and legal context.¹²²

As discussed further in Chapter 4 and 5, compulsory religious education in Turkey, the content of which is decided at national level, is an issue of conflict with the state. Most Alevis perceive it as an assimilation policy primarily due to the content of the syllabus that promotes the Sunni Islamic doctrines.¹²³ Another area where Alevis demand recognition in Turkey is the recognition of *cemevi*, Alevi community houses, as a place of worship, which has certain benefits for land allocation and exemption from electricity bills. In the context of Turkey, the issue of Alevi representation within the state institution, Diyanet, causes internal disputes within the Alevi movement, while the Turkish government and the Diyanet consider Alevism as a Sunni Islamic tradition with cultural peculiarities specific to the Turkish nation and hence deny it differentiated treatment. Despite some Alevi associations' strong refusal to be represented within the Diyanet, in a recent case brought by a particular Alevi association, Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı (hereinafter, CEM), in favour of state support, the ECtHR ruled that Turkey's refusal to extend the Diyanet's public religious services to Alevis violates Article 9 of

¹¹⁹ Niyazi Berkes, *The Development of Secularism in Turkey* (McGill-Queen's Press 1964); Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017).

¹²⁰ İstar B Gözaydın, 'Diyanet and Politics' (2008) 98 (2-3) *The Muslim World* 216-227.

¹²¹ İstar B Gözaydın, *Diyanet: Türkiye Cumhuriyetinde Dinin Tanzimi* (İletişim 2009).

¹²² Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017).

¹²³ *Mansur Yalçın and Others v. Turkey* App no 21163/11 (ECtHR, 16 September 2014).

the European Convention on Human Rights (hereinafter, the Convention), namely the freedom of religion.¹²⁴ In this and several other cases, therefore, the ECtHR has also become involved in the process of shaping Alevism for the purposes of secular law and official recognition. Decisions of the ECtHR would have a direct or indirect legal impact on both the UK and Turkey because both are bound by the Convention and the ECtHR's rulings, although they give different domestic status to the Convention and judgments of the Court.¹²⁵

The Alevi community in the UK is a result of migration and refugee flows from Turkey, especially since the late 1980s, and forms a major part of the Turkish and Kurdish diaspora in the UK.¹²⁶ By the time Alevis arrived, Britain has already been dealing with accommodating ever growing immigrant communities most of whom migrated from different parts of the commonwealth since 1950s.¹²⁷ Compared to Turkey, local governance is stronger in the UK and provides different opportunity structures for multicultural communities with an emphasis on inter-faith dialogues.¹²⁸ My fieldwork as discussed in chapter 6 brings out this difference. There are multiple ways at local level for communities to be represented although in some cases, such as the Alevis, this may be dependent on access to sources of advocacy. In this connection, the Alevi movement in the UK has become increasingly assertive about the Alevi identity and hence the representation of Alevism.

The movement strives to gain recognition as a religious community at multiple levels. The main areas where the Alevi movement opts to make recognition claims in all three of the jurisdictions examined, include the teaching of Alevism as part of compulsory religious education, the status of *cemevi* as a place of worship and the charity status of Alevi associations, as discussed in Chapter 6. However, these demands have been shaped by the

¹²⁴ *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016)

¹²⁵ Eirik Bjorge, *Domestic Application of the ECHR: Courts as Faithful Trustees* (Oxford 2015); Helen Keller and Alec Stone Sweet (eds), *A Europe of Rights: the Impact of the ECHR on National Legal Systems* (Oxford 2008).

¹²⁶ Issa T (ed), *Alevis in Europe: Voices of Migration, Culture and Identity* (Routledge 2016).

¹²⁷ Ralph Grillo, *Muslim Families, Politics and the Law: A Legal Industry in Multicultural Britain* (Routledge 2016); Tariq Modood, 'British Muslims and the Politics of Multiculturalism', in Tariq Modood, Anna Triandafyllidou, Ricard Zapata-Barrero (eds), *Multiculturalism, Muslims and Citizenship* (Routledge 2006) 48-67; Christian Joppke, 'The Retreat of Multiculturalism in the Liberal State: Theory and Policy' (2004) 55 (2) *British Journal of Sociology* 237-257.

¹²⁸ Joly Danièle, 'Race, Ethnicity and Religion: Emerging Policies in Britain' (2012) 46 (5) *Patterns of Prejudice* 467-485.

different contexts in Turkey and the UK. For instance, the Alevi movement promotes a project to include Alevism in the religious education curriculum at local level in some London Boroughs and schools, which would then pave the way for the inclusion of Alevism in the national curriculum. Also, in the UK, the current Charities Act 2011 (as well as its earlier versions) enables communities to be recognised as religious charities, which thereby provides certain tax benefits. This has prompted the Alevi movement in the UK to make claims as a faith community, as framed by Charity Commission decisions and the Charities Act. Additionally, the Alevi movement engages with creative projects such as organizing performances of *semah* (Alevi traditional ritualistic dance) at Oxford and Cambridge universities for the representation of Alevism in the UK's multicultural society. I discuss these efforts for recognition further in Chapter 6.

1. 4. Methodology for Qualitative Research: Multi-sited Fieldwork

This thesis is an inter-disciplinary work that brings together studies on law, religion, culture, and public policy on accommodating diversity. Therefore, it benefits from different methodologies of anthropology and law. The significance of this approach is its endeavour to present a fuller picture of socio-legal reality and diversity. For instance, criticising the three-model of Church-state relationships¹²⁹ in Europe (an aspect of religion and law scholarship), Sandberg underlines the inadequacy of the study of laws on religion to account for the complex relationship between religion, law, and society and points to the necessity of taking an interdisciplinary approach.¹³⁰ My interdisciplinary work, therefore, combines case law-analysis (primarily, from the ECtHR), re-examination of literature on Alevis, application of a theory of religion and an ethnographic study together to present

¹²⁹ To account for different forms of the relationship between religious establishments and the States, this model argues that "state church systems, separation (secular) systems, and cooperationist (hybrid) systems." At 331, Russell Sandberg, 'Church-state relations in Europe: from legal models to an interdisciplinary approach' (2008) 1(3) Journal of Religion in Europe 329-352.

¹³⁰ Russell Sandberg, 'Church-state Relations in Europe: From Legal Models to an Interdisciplinary Approach' (2008) 1(3) Journal of Religion in Europe 329-352, 344-346. Also see Norman Doe, 'A Sociology of Law on Religion—Towards a New Discipline: Legal Responses to Religious Pluralism in Europe' (2004) 152 Law and Justice 68-92, 68.

a holistic picture to better understand the problem of Alevis' accommodation by law. In this respect, it would be misleading to read it from a mere legal or anthropological perspective. For instance, it is very difficult to access relevant court cases in Turkey, the first-instance judgments can only be accessible to those who are parties to the case, while high-court judgements are selectively located in online resources. Moreover, in order to access the available judgments, one has to be an eligible lawyer in Turkey that I was not. Therefore, I was able to gain access to the judgments and in some cases lawyers through my fieldwork. Without my ethnographic study, I would not have been able to access these documents.

The multi-sited fieldwork, which was conducted in London and Ankara, enables a more profound comprehension of the tensions over the question of what Alevism is for the purpose of official recognition and how Alevi claims are officially channelled. Additionally, this fieldwork provides insights at the micro-level, which cannot be captured by merely analysing legal systems and relevant regulations and case law. For instance, the project of including Alevism in the religious education curriculum in The UK could not have been analysed without my participant observation, since it is not an established practice guided by textual material. Instead, it is an evolving project in response to the demands of the education system in the UK and the ability of Alevis to reinforce their tradition as part of the curriculum. Similarly, without this fieldwork, the process by which the British Alevi Federation gained recognition as a religious charity by the UK Charity Commission, would have been impossible to investigate. Relying on simpler alternatives like document-based research from the Internet would not have yielded the richness of material I gained. Moreover, this multifaceted fieldwork also allows for exposing the forces that drive Alevis as a community to struggle for recognition, regardless of the advantages that come from state recognition. Therefore, my fieldwork with Alevis draws attention to the 'meaning' of being recognised in a world laden with identity politics, where the emphasis on faith communities has been remarkable. This thesis, therefore, provides insights into how Alevis claims-making for recognition manifest this emphasis.

My fieldwork is based on original qualitative research methods, particularly semi-structured and unstructured interviews as well as participant

observation. Participant observation as an essential aspect of ethnography pioneered by Malinowski, a British social anthropologist who studied the people of the Trobriand Islands in the Indian Ocean at the turn of the 20th century. Although his account employs a language, which would now be thought politically incorrect and racist,¹³¹ his method has been broadly adopted by ethnographers: “Spend lots and lots of time in studying a culture, learn the language, hang out, do all the everyday things that everyone else does, become inconspicuous by sheer tenaciousness, and stay aware of what’s really going on.”¹³² Bernard underlines that “participant observation is about stalking culture in the wild—establishing rapport and learning to act so that people go about their business as usual when you show up.”¹³³

Recalling the discussion at the beginning of this chapter about describing cultural others and the lack of a theory on cultural differences, the data non-Western cultures collected by the method of participant observation was not, however, the most straightforward. How to analyse this kind of data about different cultures has been a focus of debate in the discipline of anthropology. Geertz, in his famous essay on *Thick Description: Toward an Interpretive Theory of Culture*, advises ethnographers to combine hermeneutic interpretation of the structure and nature of a culture's semiotic formations.¹³⁴ Using the metaphor of tacking between part and whole [of a culture], for him, the ethnographer can interpret culture by situating a particular aspect of culture (a particular set of beliefs) into the larger framework of culture.¹³⁵ His conceptualisation of culture as a system of beliefs and of ethnography as a study to interpret these symbols are problematic in understanding cultural differences.

¹³¹ Such as “ [...] and I ceased to be a disturbing element in the tribal life which I was to study, altering it by my very approach, as always happens with a newcomer to every savage community.” Bronislaw Malinowski, *Argonauts of the Western Pacific* (first published 1922, Routledge 1972) 7–8.

¹³² H. Russell Bernard, *Research Methods in Anthropology: Quantitative and Qualitative Methods* (AltaMira 2002) 345.

¹³³ Ibid.

¹³⁴ Clifford Geertz, ‘Thick Description: Toward an Interpretive Theory of Culture’ in Timothy Oakes and Patricia L. Price (eds) *The Cultural Geography Reader* (Routledge 2008) 29–39. For its criticism see Allaine Cerwonka and Liisa Malkki, *Improvising theory: Process and temporality in ethnographic fieldwork*. University of Chicago Press 2007) 12.

¹³⁵ Joseph Ponterotto, ‘Brief Note on the Origins, Evolution, and Meaning of the Qualitative Research Concept Thick Description’ (2006) 11(3) *The Qualitative Report* 538–549.

The problem with interpreting cultural differences was noted at the beginning of this chapter. Van den Bouwhuijsen emphasises the absence of a viable theory of culture to specify differences between cultures,¹³⁶ while Balagangadhara underlines the importance of empirical data for constructing a theory on human culture: “Multiple descriptions given by members from different cultures of both themselves and others against the background of their own cultures”.¹³⁷ In this regard, my ethnographic fieldwork with Alevis aims to contribute to providing empirical data about Alevis. Throughout my fieldwork, I have been guided by the insight on differences between epistemic approaches to traditions and those traditions that do not have such an approach. Therefore, I have tried to avoid conceptualising Alevis as a variant of cultures that have an epistemic attitude to tradition. Moreover, I have been mindful of Balagangadhara’s finding that religion is not a culturally universal phenomenon and thus have been attentive in my use of language while describing Alevis and their practices.

Although the Alevi participants in my fieldwork were of Kurdish and Turkish ethnicities, Alevi practices are conducted in the Turkish language, as far as I observed in my fieldwork.¹³⁸ Alevis have a distinctive terminology. For instance, *dede* literally means ‘grandfather’ in Turkish; but it does not refer to grandfather in Alevi terminology. Dede is the person who leads Alevi rituals among other functions in the Alevi culture, which will be discussed in Chapter 2. Another issue concerns the appropriation into Alevi terminology of religious terms either Islamic or Christian (especially when translated into English). Again with the same example, *dede* is translated as ‘priest’, ‘holy man’ or ‘spiritual leader’. Similarly, *niyaz etmek* would be translated into worship (*ibadet* in Turkish). However, as I discuss in Chapter 2, *niyaz etmek* is indeed different from worshipping. In Chapter 2, I discuss Alevi terminology in more detail and as based on my fieldwork and the theoretical framework that my analysis is grounded on.

I started my ethnographic fieldwork with Alevis in London in January 2015 with the aim of conducting interviews as well as participant

¹³⁶ Harry van den Bouwhuijsen, ‘What Makes Human Differences into Cultural Differences’ (1995) (55/1) *Philosophica* 87-116.

¹³⁷ S.N. Balagangadhara, “*The Heathen in His Blindness*”--: *Asia, the West, and the Dynamic of Religion* (Brill 1994).

¹³⁸ It is important to note that I did not attend in Kurdish-only Alevi rituals.

observation. Throughout my fieldwork, I faced difficulties with scheduling interviews with individuals: either I was turned down or the interview would be cancelled at the last minute. Those I approached would often tell me that they ‘do not know enough about Alevism’, ‘are not really religious’ and that it would be ‘better if I approach others’. In addition to the difficulty with scheduling interviews, I also found it difficult to interview in the presence of a recorder. Sometimes I was asked specifically if the recorder was off while critical views on controversial issues were being shared with me, such as the influence of the Alevi movement in Germany on the contemporary conceptualisation of Alevism. At other times, I realised I was being told ‘more stuff’ after I ‘officially’ ended the interview by turning off the recorder. Another difficulty about scheduling interviews, especially in Turkey, was the political atmosphere there. The initial scheduled interview period for Turkey was for summer 2016. However, at that time a coup attempt resulted in a state of emergency being declared, which lasted almost two years.¹³⁹ In this turbulent political climate, I not only had to cancel some of the interviews in Turkey; but also changed the official title of my thesis as a precaution.¹⁴⁰

Despite these difficulties, I was able to conduct 23 individual interviews in London and 13 interviews in Ankara, Turkey.¹⁴¹ Yet the strength of my fieldwork lies in my participant observation and the contacts that I established and with whom I was able to keep in touch over the years. In this regard, I consider my fieldwork as an on-going journey for my research. As an essential part of ethnographic research, participant observation enables the researcher:

¹³⁹ Öykü Altuntaş, ‘OHAL'siz ilk gün: OHAL'in kalkması Türkiye'de neyi değiştirecek?’ (*BBC Turkish*, 18 July 2018), available at <https://www.bbc.com/turkce/haberler-turkiye-44743453> (accessed 21 December 2018).

¹⁴⁰ The Turkish government had been asking about the titles of Turkish PhD students at some British universities and had recalled Turkish PhD students, who were funded by Turkish state scholarships, to Turkey or intervened in their research topics. I was not funded by a Turkish state scholarship.

¹⁴¹ The details of interviews are as follows: London: 15 male, 8 female
 5 of them were aged between 20-25, 12 is between 35-45, 6 is between 45-60,
 4 of them were reached through personal contacts and not active participants in the London Cemevi, 16 of them were reached through my visits in the London Cemevi and actively participating in events organised by Cemevi or the Federation. Also, I interviewed 3 non-Alevi persons (school master, ex chair of Sacre and head of RE).
 Ankara: 5 female, 8 male. 2 were aged between 20-25, 2 between 30-35, 9 between 40-60.
 2 of them are lawyers, while other contacts were reached through my network in the Mekteb-i İrfan initiative and visits in the Sercesme Cemevi.

To identify and guide relationships with informants; to help the researcher get the feel for how things are organized and prioritized, how people interrelate, and what are the cultural parameters; to show the researcher what the cultural members deem to be important in manners, leadership, politics, social interaction, and taboos; to help the researcher become known to the cultural members, thereby easing facilitation of the research process; and to provide the researcher with a source of questions to be addressed with participants.¹⁴²

Since January 2015, I have observed a variety of events and rituals organized by Alevis, been involved in many of them as a participant, and made a number of contacts, who became friends with whom I talked about the issues surrounding my research question. I talked about issues like *hak*, being an Alevi, Alevi culture as well as how Alevis are accommodated by the state, and looked at the way that they describe Alevis. I observed many muhabbet rituals (*cem* being one of them), where Alevi music and poetry (*deyiş/nefes*) and Alevi dance (*semah*) were performed. Additionally, I talked with people affiliated with the Alevi movement and talked with them about how to use the opportunity structures that are provided by different states. Alevis with whom I interacted are quite sceptical of any state involvement in their affairs, but also they want to be able to exist and be supported. Thus, for instance, the obstacles put in the way of constructing *cemevi* are not welcomed, while they also do not want state recognition for *cemevi* if this also means state interference in their affairs.

London and Ankara were chosen since these cities accommodate some of the largest and most diverse Alevi communities in their respective national contexts. The Alevi organizations and *cemevi* were preferred fieldwork-sites, since they are the interlocutor-advocates for official recognition and provide the space for Alevi solidarity by organizing various events. The *cemevi* is the place where different Alevi rituals including *cem*, are performed and many Alevis consider it to be a place of worship. As my fieldwork, both in London and Ankara, suggests, the *cemevi* facilitates many functions and the performance of *cem* is only one of them. It is a place of community gathering for funerals, marriages, conferences, celebrations and

¹⁴² Margaret Diane LeCompte and Jean J. Schensul (eds), *Designing and Conducting Ethnographic Research* (Vol. 1) (Rowman Altamira 1999) 91.

conversing and exchanging information about the affairs of the community. It is also a site for classes on the Alevi ritual dance, *semah*, and playing the Alevi musical instrument, *baglama*. As I observed in my fieldwork, some *cemevi* administrations may even offer geometry or maths classes to support school age children, while their parents are having Sunday brunch in the communal area.

In London, I visited the only *cemevi* in the city, established in 1993, and attended a number of organized activities, besides those activities taking place as a matter of course within the *cemevi* itself. As a non-Alevi researcher, I was welcomed by the administration to observe the project of including Alevism in the religious education curriculum and pilot classes in the Highbury Islington School in the London Borough of Islington. Some other activities in which I was a participant observer were Alevi annual festivals, youth gatherings, *semah* performances, political demonstrations against the Turkish government, film screenings organized with a Member of Parliament (MP)¹⁴³, an election campaign support night for an MP, a meeting of the All Party Parliamentary Group for Alevis,¹⁴⁴ taking part in meetings with the Charity Commission, and meetings for the preparation of the Alevism curriculum.

Whereas in London there is only a single *cemevi* and the Britain Alevi Federation, which is the only Alevi organisation and physically attached to the *cemevi* building, while there are a number of *cemevi* and Alevi organizations in Ankara. Aiming to maintain the integrity and coherence of the multi-sited fieldwork, the fieldwork site in Ankara was chosen through my referrals from London to represent similar views on Alevism; that is to say, those that express a distance from Alevism's affiliation with Islam. With this in mind, I made contact with the Sercesme Cemevi. This enabled me to focus on the differences between the English and Turkish secular legal systems by keeping the differences in the *cemevi* administrations and their specific agendas about Alevism at a minimum. In addition to conducting interviews, I attended *cem* rituals, participated in a visit to the historical site of Hacı Bektaş Dergah¹⁴⁵, and observed a hunger strike organized by the Alevi Bektaşî Federation of

¹⁴³ In Portcullis House, provides offices for members of parliament.

¹⁴⁴ For more info: <https://publications.parliament.uk/pa/cm/cmallparty/151223/alevis.htm>, accessed 17/10/2017.

¹⁴⁵ *Dergah* is usually translated as a convent. Yet, a *dergah* is actually a shrine to a departed master (usually *sufi*).

Turkey, to protest against Turkey's foreign policy on Syria. Additionally, I became affiliated to the *Mekteb-i Irfan*. The *Mekteb-i Irfan* initiative sprang out of concerns over the continuous assimilation of Alevi practices into the Islamic framework.¹⁴⁶ This initiative, which was organized as weekly gatherings for two months, was a series of seminars, *muhabbet* and *cem* rituals, where diverse Alevi traditions are practiced and discussed. I attended the fourth one in Ankara, which was organised between November 2015 and January 2016. Moreover, I have kept in contact with course attendees and have been invited to different *muhabbet* rituals in Ankara since then.

Both in London and Ankara, the fieldwork was conducted with a particular group of Alevis, who share broadly similar views (albeit sometimes differing on minor points) on Alevism, Alevi traditions, and the terms of official recognition. Therefore, the fieldwork findings should not necessarily be regarded as representative of all Alevis, but should be considered as offering a glimpse into what otherwise more often appears as fragmented Alevi communities. For example, different from the Alevi movement in Turkey, the Alevi diaspora movement pursues a more provocative policy for the advocacy of Alevism with a strong emphasis on conceptualising Alevism against (Sunni) Islam. Most Alevis in London are those who left Turkey following the Elbistan and Maraş incidents in 1967 and 1978, where more than a hundred Alevis were killed by Islamist Turkish nationalists.¹⁴⁷ In this regard, the diaspora movement in London is critical of the Turkish government and its Syrian foreign policy as well as the treatment of Alevis in Turkey.

1. 5. Structure of the Thesis

I will now elaborate in further detail the structure and argument of the thesis. Following this introduction, Chapter 2 reviews the current critiques on religious freedom in law and discusses the limits of the genealogical approach adopted by them. Moving beyond the genealogical approach, I explain Balagangadhara's theory of religion, the concept of tradition, as well as De Roover's secularisation thesis. Dealing with a substantial body of theory,

¹⁴⁶ My fieldwork findings.

¹⁴⁷ Mehmet Bayrak, *Alevilik, Kürdoloji, Türkoloji Yazıları [1973-2009]* (OZ-GE 2009).

and bringing this to bear on the question the status and recognition of Alevi in Turkey, the UK and before the ECtHR, the foundation set out in Chapter 2 enables us to grasp the problems rising in these three jurisdictions in concrete and original ways.

Chapter 3 reviews the literature on Alevi that exemplifies the dilemma of religious studies as described in this introduction: the presupposition of Alevism as an instance of religion and the efforts to explain the kind of religion Alevism is. Based on Balagangadhara's theory of religion, I analyse whether there is a religion in Alevi culture and respond in the negative. I further present my own description of Alevi traditions based on my fieldwork, which might offer insights on the possible ways of thinking about the Alevi traditions. Following that, I analyse the transformation of Kızılbaş into adherents of Alevism, a variant of religion. The second part of Chapter 3 (3.7-3.9) focuses on the 19th century and the first records on Alevism as Alevi's religion amidst Christian and Islamic missionary efforts and the birth of the Republic of Turkey. With this historical and theoretical analysis in Chapters 2 and 3, I set the ground for the following Chapters, to analyse accommodation of Alevi's difference through their contemporary recognition demands as formulated by the Alevi movement.

Chapter 4 focuses on the Turkish context. I first discuss the transition from the Ottoman Empire to the Republic of Turkey and the transplantation of the principle of *laïcité* (*laiklik*). I review the legal developments that have had a significant impact on Alevi and explore the role of the Directorate of Religious Affairs (hereinafter, the Diyanet) within Turkish *laiklik*. I also examine the emergence of the Alevi movement as a response to Turkey's politico-legal framework, which is also shaped by the process of Turkey's accession to the EU. The Alevi movement gradually pursued activism for recognition of Alevi's difference by articulating this difference in terms of religion. Compulsory religious education and the status of *cemevi* are examined as two burning issues with respect to the accommodation of Alevi's difference in Turkey. I conclude Chapter 4 with an examination of 'the Alevi Opening', as part of the democratisation process initiated by the Justice and Development Party (*Adalet ve Kalkınma Partisi*; hereinafter AKP).

Chapter 5 scrutinises the ECtHR as an opportunity structure for the Alevi movement to pursue legal and political strategy to gain recognition for their demands in Turkey. Two different segments of the Alevi movement has been active at the ECtHR so far. Five cases brought by Alevis regarding compulsory religious education, the place of religion in birth certificates, places of worship and public religious services are analysed. All the five judgments resulted in favour of the Alevi claimants. In this regard, the ECtHR framework might seem to be providing a better accommodation for Alevis' difference. However, as we shall see, the ECtHR framework, more specifically the way the Court conceptualises Alevis' difference, has certain repercussions, which will be discussed in Chapter 5.

Chapter 6 begins with an introduction of British multiculturalism and introduces the Alevi community in London. This provides a background for understanding the reasons behind the efforts of the Alevi movement to gain recognition for Alevism. In this connection, I examine the project of including Alevism in the religious education curriculum, the Britain Alevi Federation's (BAF) application to the Charity Commission as well as events organized by BAF for publicising Alevism. I argue that

In Conclusion Chapter, I remind my research question and my approach by going through the main findings of the theoretical framework that guided my analysis throughout this work. From my point of view, informed by the theoretical framework, I explain the dynamics of the Turkish *laiklik* in accommodating Alevis' difference and compare it with the accommodation provided by the ECtHR and the UK. While Alevis' difference is submerged into Sunni Islam by the Turkish authorities, the ECtHR frames it as rival to Sunni Islam and the UK framework of multiculturalism focusing on promoting faith communities encourages them to frame their difference in religious terms. Conversely, the theoretical framework I am guided enables me to recognise the *sui generis* nature of the Alevi traditions. In this respect, I suggest approaching them in novel way without necessarily boxing Alevis in either or religious debates.

PART I -- THEORETICAL FRAMEWORK

CHAPTER 2 – A THEORY OF RELIGION AND SECULARISATION

2. 1. Introduction

In this Chapter, I summarise the critical approaches to freedom of religion and law's handling of religion confining it to a belief-centred doctrinal account, which was historically and culturally influenced by the theology of Protestant Christianity in the aftermath of the Enlightenment. These critiques draw their analysis on genealogical approach to the study of religion, which consider all religions as constructs. I discuss the weaknesses of genealogical approach as adopted by these critiques. Moving beyond genealogical approach, I elaborate the theoretical framework that informs my analysis of Alevi traditions and their accommodation. This theoretical framework draws on De Roover's thesis on secularisation of Christian theology in the form of political theory and Balagangadhara's theory of religion, that analytically distinguishes tradition as a different phenomenon from religion. As explained further, this theoretical framework helps me to analyse Alevi traditions substantially different from religion and therefore identify the issues raising from conceptualising Alevism.

2. 2. A Critique of the Freedom of Religion

The relationship between religion and law has been analysed by scholars from diverse disciplines, most notably scholars of critical religious studies and socio-legal studies as well as political theorists.¹⁴⁸ Many argued for

¹⁴⁸ Balagangadhara *The Heathen* (s 16).

Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015).

the Protestant imprint on the category of religion as understood by law because of the assumption on religion as belief centred and doctrinal.¹⁴⁹ Dismantling the narrative of the Enlightenment, specifically the freedom of religion and secular state, these scholars argued that the concept of religion in law is heavily indebted to the Protestant theology. In this regard, the Enlightenment and Protestant Reformation triggered together a paradigm shift in understanding religion. For instance, King points to two inter-related processes in construction of religion: the first is Christianity and the second the Enlightenment and the modern nation-state.¹⁵⁰ Following to the Protestant Reformation, the separation of the state and law from religion and the state neutrality have been considered necessary to guarantee religious freedom. The rule of law has been imagined as autonomous, universal and secular and therefore essential for ensuring the freedom of religion and religious pluralism.

King explicates the consequences of this construction on non-Western civilizations as “the translation of non-Western civilizations in terms of a binary opposition between religion and secular results in a distortion of their own histories and a transformation of their present. Such translation became necessary step in any society’s conversion to modernity.”¹⁵¹ The increasingly problematic implementation of religious freedom both in Western states, where various ‘religious’ diasporas pose challenges, and non-Western states led to scholars from different disciplines to revisit the narrative of religious freedom.

Criticism has been directed at “the gospel of religious freedom” that leads to greater liberty if properly implemented.¹⁵² This gospel of religious

Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford University Press 2003), Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter Danchin (eds), *Politics of religious freedom*. (University of Chicago Press 2015); Robert Yelle, *The Language of Disenchantment: Protestant Literalism and Colonial Discourse in British India*. (Oxford University Press 2013); Cécile Laborde, *Liberalism’s Religion*, (Harvard University Press 2017), Saba Mahmood, ‘Religious Reason and Secular Affect: An Incommensurable Divide?’ (2009) 35 (4) *Critical Inquiry* 836.

¹⁴⁹ Talal Asad, *Formations of the secular: Christianity, Islam, modernity* (Stanford University Press 2003), Winnifred Sullivan, *the Impossibility of Religious Freedom*, (Princeton University Press 2005), Cécile Laborde, *Liberalism’s Religion*, (Harvard University Press 2017).

¹⁵⁰ Richard King, ‘Colonialism, Hinduism and the Discourse of Religion’, in Esther Bloch, Marianne Keppens and Rajaram Hegde (eds), *Rethinking Religion in India: The Colonial Construction of Hinduism* (Routledge 2010) 104.

¹⁵¹ Ibid.

¹⁵² Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter Danchin (eds), *Politics of Religious Freedom* (University of Chicago Press 2015).

freedom is promoted by the international organizations advocating for a universally valid and objectively assessed religious freedom.¹⁵³ Many have argued that despite the success of legal protection of religious freedom in post-Reformation Europe, this political idea becomes “a force for intolerance.”¹⁵⁴ Scholars critical of this narrative argue that in today’s world “religion brings together a vast and diverse, even shifting, set of social and cultural phenomena that no longer convincingly underwrite and justify legal action in its name. To continue to use the word in law is to invite discrimination.”¹⁵⁵

Political theorists explain the protection given to religion through the state’s duty to promote the conception of good. Therefore, religion is not special but should be seen as an example of the conception of good, in Rawls’s terms.¹⁵⁶ The treatment of religion in the theory of multiculturalism is also derived theoretically from the conception of the good. In her book *Liberalism’s Religion*, Laborde revisits this view, the subtraction theory as she names it and finds it unsatisfactory because religion is treated more special among other conception of good.¹⁵⁷ She, therefore, tries to incorporate the critical religious studies’ worries about the place of religion in law (though she does not engage with Balagangadhara’s theory of religion).¹⁵⁸ She argues for desegregating religion into the normative values it represents and thus argues that religion need not matter in the liberal state. She develops her theory primarily on the US constitution (on Free Exercise and Non-establishment clauses).¹⁵⁹ As mentioned in the Introduction, she aims at providing a liberal egalitarian theory of religion and secular state that accommodates the critiques over law’s handing of religion as narrow, sectarian and unfair to non-religious people. However, her suggestion to desegregate religion into the values that religion in law “eschews the term ‘religion.’”¹⁶⁰ Yet, she does not explain how we can be

¹⁵³ Ibid 9.

¹⁵⁴ Winnifred F Sullivan, *the Impossibility of Religious Freedom* (Princeton University Press 2005) 151; Saba Mahmood, ‘Religious Freedom, the Minority Question, and Geopolitics in the Middle East’ (2012) 54(2) *Comparative Studies in Society and History* 418-446; Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter Danchin (eds), *Politics of Religious Freedom* (University of Chicago Press 2015); Elisabeth Shakman Hurd, ‘Alevis under Law: the Politics of Religious Freedom in Turkey’ (2014) 29 (3) *Journal of Law and Religion* 416-435.

¹⁵⁵ Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter Danchin (eds), *Politics of Religious Freedom* (University of Chicago Press 2015) 7.

¹⁵⁶ Daniel Dombrowski, *Rawls and Religion: The Case for Political Liberalism* (SUNY Press 2014).

¹⁵⁷ Cécile Laborde, *Liberalism’s Religion*, (Harvard University Press 2017) 14, 27-29.

¹⁵⁸ Cécile Laborde, *Liberalism’s Religion*, (Harvard University Press 2017).

¹⁵⁹ Ibid 113.

¹⁶⁰ Ibid 2.

assured of the values religion holds, without knowing of religion. Similar to the problem about the construction of a phenomenon pointed in Introduction, it is difficult to talk of values independent of a theory of a phenomenon. Only once we have a theory of a phenomenon, we can identify what values it may intrinsically bring in. Nonetheless, her suggestion might be helpful in some of the cases dealing with religion remotely for example in case of Article 2 of Additional Protocol No. I of ECHR; but does not help with most cases where the courts are required in identifying religion. As discussed in Chapter 5, the ECtHR actively enter in problems of definition and theological debates, while underlining its intention to avoid.

In addition, scholars critical of religious freedom in law subscribe the genealogical approach.¹⁶¹ Genealogical approach, as elaborated in the Introduction, does not use of a theory of religion, rather considers religion as a construct. In this regard, it does not offer a theoretical analysis for the difference between Semitic religions and vast traditions that were constructed as religions in the 19th century. Engaging with the genealogical approach, while Laborde differentiates between ritualistic religions and doctrinal belief centred religion, Sullivan and Hurd make a similar differentiation with lived religion.¹⁶² Although they trace back the formulation of religion as a private matter of belief rather than public performances to the dynamics subsequent the Reformation in Europe, they do not question the universality of religion across cultures. However, the genealogical approach is limited to conceptualizing things within power/ resistance.¹⁶³ I think this shortcoming stems from lack of alternative theory engagement. One of the implications of this shortcoming is the assumption that all religions are constructs, which does not help us to see the differences between self proclaimed religions such as Christianity and Islam on one hand and the various cultures that were

¹⁶¹ Cécile Laborde, *Liberalism's Religion* (Harvard University Press 2017); Winnifred F Sullivan, *the Impossibility of Religious Freedom* (Princeton University Press 2005); Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton University Press 2017).

¹⁶² Ibid.

¹⁶³ Richard King, *Orientalism and religion: postcolonial theory, India and 'the mystic East'* (Psychology Press 1999); Jakob De Roover and Sarah Claerhout, 'The colonial construction of what?' in Bloch Esther, Rajaram Hegde, Marianne Keppens (eds), *Rethinking Religion in India* (Routledge 2009) 164; Robert Yelle, 'Imagining the Hebrew Republic: Christian Genealogies of Religious Freedom' in Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter G Danchin (eds), *Politics of religious freedom* (University of Chicago Press 2015) 17-28.

constructed following colonial period such as Hinduism, Sikhism and Alevism on the other hand. By assuming that all these traditions are constructed as religions, the genealogical approach evades engaging with a theory and assumes the universality of religion across cultures.

Yelle points to this important shortcoming of the genealogical approach to go beyond analysing power structures in constructions of religion and secular. He argues that “the redefinition of religion as freedom of conscience simultaneously “liberated” religion from control by the state and, to some extent, rendered this freedom nugatory.”¹⁶⁴ He underlines that this redefinition was necessary and pragmatic for peaceful coexistence in the history of Europe. Indeed, as will be discussed further in this Chapter, confining religion into conscience is rooted in a very particular interpretation of Protestant theology as developed in Europe subsequent to the Enlightenment. This confinement first allowed multiple Christian denominations to co-exist and then paved the way for formulation of religious tolerance. However, it also allowed the modern-state to regulate the manifestations of religion. As religion became identified with conscience, various manifestations- practices- became ‘non-essential’ and even ‘false worship’. Pointing to the problems of applying this culture-specific solution in contexts that lack the necessary theological presuppositions, Yelle suggests going beyond genealogical approach.¹⁶⁵

Going beyond the genealogical approach, I engage with De Roover’s analysis of secularisation and Balagangadhara’s theory of religion. De Roover demonstrates how the framework behind our ideas of toleration and freedom of religion is provided by Christian theology. He analyses the limits of liberal secularism as depended on certain Christian theological ideas for their intelligibility. Another strength of De Roover’s theory is that without an understanding of the theology of Christian freedom, it is not possible to make sense of the private realm of religion and public realm of secular. In this vein, secularisation indicates a process in which “recurrent patterns in a religion’s traditions of theological reasoning are secularized into the clusters of

¹⁶⁴ Robert Yelle, ‘Imagining the Hebrew Republic: Christian Genealogies of Religious Freedom’ in Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter G Danchin (eds), *Politics of Religious Freedom* (University of Chicago Press 2015) 17-28, 22.

¹⁶⁵ Ibid 23.

commonplace ideas that constitute the social, political and cultural theorising of a culture or society.”¹⁶⁶ If Balagangadhara explicates on the recurring themes within the Western Christian tradition of theological reasoning that led to the universality-of-religion thesis, De Roover does that for secularism and the accompanying cluster of concepts. In as much as the universality of religion has been a claim of Christian theology, so also is the division of the world in terms of the political theology of the two kingdoms.

2. 3. The Christian Triad and the Protestant Reformation

From its earliest days, Christian theology has made the distinction between true and false religions — a distinction that Islam and Judaism also make.¹⁶⁷ When Christianity made the distinction between the religious and the secular, it was not a binary but a triad instead: true religion, false religions, and the secular; or, the religious, the idolatrous (or the profane), and the secular.¹⁶⁸ While true religion was the act of worshipping the true God, false religions worshipped false gods. The secular or religiously indifferent followed by this separation. The importance of framing the realms of true religion, false religion and the secular has thus been a constant dynamic within a religion. In the example of Christianity, De Roover examines how the Protestant Reformation was the result of this kind of dynamic within Christianity, in terms of creating sharper boundaries between true worship and false worship.¹⁶⁹ The idea that human beings can reach salvation at the spiritual level, with the work of the Holy Spirit alone, paved the way for the Protestant Reformation. During the Protestant Reformation, reformers objected to the clergy’s hierarchical superiority and argued for the duty of every Christian to go through the process of conversion.¹⁷⁰ According to Reformers, despite the sinful body, the soul was

¹⁶⁶ Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015) 72.

¹⁶⁷ Jan Assmann, *The Price of Monotheism* (Stanford University Press 2010).

¹⁶⁸ Robert Markus, *Christianity and the Secular* (University of Notre Dame Press 2006).

¹⁶⁹ As explained above, this dynamic is not limited to the 15th century developments and the Protestant Reformation. It is the dynamic of a religion and points to the separation between false and true worship.

¹⁷⁰ De Roover examines the theology of Christian freedom and process of conversion in detail in his book. Process of conversion is important to understand all the dynamics which eventually gave rise to the idea of religious toleration as confined in private realm and will be referred back in different parts of this thesis. However, to keep the focus, it will not be explained in detail here. Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015)

promised God's grace through the work of the Holy Spirit.¹⁷¹ That is why it was argued that every soul was capable of worshipping and pursuing the process of conversion, without the guidance of clergy.¹⁷² *The Doctrine of Two Kingdoms* formulated by Martin Luther and shared by Lutherans and Calvinists rigidly separated the private realm of eternal soul and public realm of temporary body, as it argued that the path to salvation for each Christian soul should not be subject to intervention by human laws.¹⁷³ Similarly, Calvin asserted that each soul was capable of worshipping.¹⁷⁴ This imposed an enormous burden to cleanse idolatrous practices in order to guide the Christian community in daily life. In the course of purifying Christianity, the Protestant theology treated man-made practices as impediments to salvation for interrupting the relationship between the soul and God.¹⁷⁵ As elaborated in detail below in this Chapter, this is where tradition differs from religion: tradition does not need a foundation in reason for its practice, unlike Christianity where traditional practices are associated with a reason which is to substantiate and reproduce the relationship with God. Therefore, which practices are true or false gained increasing importance.

Different interpretations of what constitutes true and false worship resulted in the confessional movement. Reformers objected to a number of Catholic rituals and performances such as festival dances and local customs on the grounds of idolatry. Even celebrating Christmas was condemned as an "old superstition of observing feast days."¹⁷⁶ They also introduced different disciplinary methods for the true believer to avoid idolatry – human corruption of religion. The believer's life was divided into three: what is required for spiritual freedom (religious), what is forbidden as the devil's work (idolatry), and what is outside these two realms – worldly affairs (secular). That is to say, the boundaries of the realm of the truly religious, idolatry and the secular were

¹⁷¹ Ibid 97.

¹⁷² Ibid 98-100.

¹⁷³ Jakob De Roover and S. N. Balagangadhara, 'Liberty, tyranny and the will of god' (2009) 30.1 *History of Political Thought* 111-139.

¹⁷⁴ Jakob De Roover and S. N. Balagangadhara, 'John Locke, Christian Liberty, and the Predicament of Liberal Toleration' (2008) 36.4 *Political Theory* 523-549.

¹⁷⁵ Jakob De Roover, 'Secular Law and the Realm of False Religion' in Winnifred F Sullivan, Robert A Yelle, Mateo Taussig-Rubbo (eds), *After Secular Law* (Stanford University Press 2011) 43-61.

¹⁷⁶ Ibid 46.

re-drawn.¹⁷⁷ Thus, each drawing a different realm of true religion, false religion and secular, the confessional movement brought about widespread religious violence.

2. 4. Secularisation of Christian Theological Ideas into Political Theory

The strength of De Roover's analysis is how it reveals that the developments following the Protestant Reformation first manifested themselves in the proliferation of different denominations, each accusing one another of false worship, later evolving into an anti-confessional movement that rejected all dogmas in the spiritual realm as manifestations of false worship. Subsequently, anti-confessional movement prepared the ground for the formulation of the principle of religious toleration and the secular state. Yet the theological basis of these ideas that shaped political theory remained crucial for the intelligibility of these 'secular' ideas. The anti-confessional movement reformed the theology of Christian freedom further and gradually gave rise to considering freedom of conscience as God's will for humanity. This paved the way for the emergence of toleration in Europe. Although there were different arguments about the scope of toleration, they shared common ground, including a number of theological ideas: firstly that false religion created a cocktail of politics and religion; secondly, an objection to all 'priests of the devil', and, thirdly, that mixing religion with politics caused conflict.¹⁷⁸ Hence the belief that religious conflict was not rooted in religion itself, but in its human corruption.¹⁷⁹ As will be examined in Chapter 4, reformers in Turkey argued for a similar claim that Islam was not the problem for transplanting *laïcité* in Turkey, but its human corruption that needs to be banned. Thus the discussions internal to Christianity travelled to Turkey as well and produced different results, which will be discussed more fully in Chapter 4.

¹⁷⁷ Yet, what needs to be underlined that this separation of triad has been the internal dynamic of Christianity as a religious tradition. The boundaries had been constantly re-drawn/ negotiated throughout the history of Western Christendom, owing to what De Roover calls 'normative dynamic', see Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015) 112.

¹⁷⁸ Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015) 130.

¹⁷⁹ *Ibid* 131.

Despite the limited scope of toleration at its initial phase, De Roover demonstrates that, by the 17th century in The UK, several thinkers argued for granting toleration to all, because “even though idolatry desecrated the will of God, it ought to be tolerated for it was as much His will that no conscience should be coerced[...] This thesis was founded in the belief that Christian conversion requires the free work of the Spirit, which cannot be shackled by the sword of human coercion”.¹⁸⁰ In this way, God’s will brought about a normative ground to consider toleration a moral obligation.¹⁸¹ In this connection, the concepts of Christian theology have first been widely circulated and entrenched into the mindset of society and gradually became common sense ideas about human existence, on which new theories were constructed. De Roover uses the term *topoi*, meaning “commonplace idea, which plays a central role in the conceptual world of a society” and defines secularisation as:

The process whereby tropes of a particular theology are transformed into *topoi* of a culture or society. That is, recurrent patterns in a religion’s traditions of theological reasoning are secularised into the clusters of commonplace ideas that constitute the social, political, and cultural theorising of a culture and society.¹⁸²

In this light, it is important to note that the normative model of toleration is rooted in this “inbuilt conception of religious conflict.”¹⁸³ That is to say, it came as a way to accommodate the diversity within Christianity over a common understanding of religion as a matter of truth, including the inherent triad of true worship, false worship and secular. Therefore, this model is based on a number of assumptions: first is that religion is a matter of truth relating to worship and beliefs, it is a matter of conscience in the private realm, different religions or denominations conflict each other over holding the only truth and lastly all cultures have religions. Therefore, it tends to formulate plurality into religious conflict (or conflict of world-views, systems of belief) and then present itself as the model for its accommodation. In this model, “each tradition in society needs to take the form of a religious community defined by a set of

¹⁸⁰ Ibid 133.

¹⁸¹ Ibid 135.

¹⁸² Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015) 71-72.

¹⁸³ Ibid 136.

beliefs and values.”¹⁸⁴ In a nutshell, this is how toleration worked: it allowed different denominations to co-exist, as they share the common theological ground. Yet, when the idea of religious tolerance travelled overseas, as in the case of colonial India, it required first identifying ‘the others’ belief system/religion in order to tolerate, assumed that every society has a religion.¹⁸⁵ Around a century later, in 19th century, the Ottomans introduced religious tolerance and the missionaries travelled to the Ottoman lands ‘to protect’ religious minorities; this was when the religious roots of Kızılbaş/Alevi gained importance, as will be shown in detail in Chapter 3.

De Roover shows how the formulation of the secular state and toleration by political thinkers such as John Locke continued to remain within this theological framework.¹⁸⁶ The only framework where the separation of the private realm of religion and the public realm of the secular are identifiable is within Christian theology. However, it is important to note the differences between the English and French reformations, as these two led to different political arrangements. While the English reformation aimed at accommodating a multiplicity of Protestant groups, Catholics and Jews in the same society, the French enlightenment dealt with the dominance of the Catholic Church.¹⁸⁷ In the former the same framework of anticlerical theology produced the idea that the state ought to tolerate all forms of religion as long as it did not harm the public order, while the latter banned religion from the public sphere. Although the Protestant critique of Catholicism was transformed into a general critique of organised religion, instead of arguing that the state ought to tolerate, France developed a different principle that all forms of organized religion ought to be banned. This gave rise to the model of *laïcité* in France. Nonetheless, these two models share the same theological reasoning inherited from anticlerical theology. Based on his research, De Roover notes that “in the absence of this background, the liberal model faces fundamental problems that threatens its intelligibility and accessibility. These problems

¹⁸⁴ Ibid 137.

¹⁸⁵ For elaboration on the effort put by the colonial government in India to figure out what scriptures are true Hindu scriptures and thus what practices are ought to be tolerated, see Jakob De Roover, *Europe, India, and the limits of secularism* (Oxford University Press 2015) ch 6.

¹⁸⁶ Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015) ch 5.

¹⁸⁷ Ibid 166.

arise from trying to provide secular foundations for the model of Christian freedom and its two kingdoms.”¹⁸⁸ In parallel, De Roover demonstrates how the idea of religious toleration migrated to the colonial India and transformed the understanding of Indian traditions from ‘heathen’ religions into religions. Using his framework together with Balagangadhara’s theory of religion, I will explore the application of religious toleration and secular state in relation to the accommodation of Alevis’ difference.

2. 5. Balagangadhara’s Theory of Religion

As mentioned in the Introduction, the assumption that religion is universal across cultures is not part of a theory formation; instead it precedes theorising about religion.¹⁸⁹ In the *Heathen in His Blindness*, in order to hypothesise about religion, Balagangadhara first suggests that if religion refers to anything in our language use, it must refer to Christianity.¹⁹⁰ Thus he picks Christianity as the most self-proclaimed example of religion; prototypical example. He also adds that Christianity competed with Islam and Judaism for the category of religion, in the same way Islam and Judaism competed as well. Therefore, religious rivalry among these three allows him to pick three prototypical examples of religion - Christianity, Islam and Judaism. As opposed to this rivalry between these three Semitic religions, his in-depth historical analysis regarding cultural contacts between Christianity and Roman pagan culture on the one hand, and with Indian traditions on the other, points to the indifference of these traditions towards the religious rivalry claims of Christianity. Thus, he first examines the properties that these prototypical religions have by virtue of being religions and then looks into the reasons for the incomprehension of Romans and Indians.

In order to theorise about religion, he follows four analytical steps:¹⁹¹ The first step examines the properties Christianity attributed to itself as a religion, while the second looks at the way in which Islam, Christianity

¹⁸⁸ Ibid 167.

¹⁸⁹ Ibid 290.

¹⁹⁰ S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 278.

¹⁹¹ S.N. Balagangadhara and Divya Jhingran, *Do All Roads Lead to Jerusalem? The Making of Indian Religions* (Manohar 2014) 176-178.

and Judaism considered each other rival religions. The third step underlines that both Christianity and Islam considered the Indian traditions as rivals in the same way. Finally, the fourth step inquires into why Indian and Roman traditions did not recognise themselves in the description given by the Semitic religions.

Religion as the explanatory intelligible account of the cosmos

Digging into this religious rivalry, he shows that these three prototypical religions had disputes concerning God and God's relationship to humanity and claimed to hold the true account of it. His examination about the kind of narrative that these three prototypical rival examples suggests a narrative that sets apart God, the creator of the Cosmos, from the Cosmos and everything in it as his creation. Further, this account claims that God has a purpose (purposes) in his creation(s). It is further claimed that God reveals himself to humanity, through its creation as the Cosmos as well as his message, as captured by the doctrines.¹⁹² Human beings may not know God's reason; but they are told that there is a reason God created the Cosmos and everything in it. This claim is secured in a religious doctrine.¹⁹³

The strength of this narrative is its claim that God's actions do not deceive us. Now, this claim is extraordinary, Balagangadharma argues, because it is actually not possible for human beings to bridge a link between intentions and actions as such. Cognitively speaking, human behaviour can be understood either by addressing the reasons (intelligibility account) or by explaining the causes (explanatory account). For example, the account for Sarah wearing a scarf would be either that the weather is cold and Sarah felt cold (causality-explanatory account) or because Sarah believes the scarf looks pretty on her (intelligibility account, appealing to beliefs). However, both accounts are limited for understanding human behaviour, since there are innumerable causal explanations for actions we perform. Similarly, regarding Mark suffering from fever, Mark's mum might think that he has a fever, because he didn't put enough clothes on and eventually got a cold. Mark's doctor might think that

¹⁹² S.N. Balagangadharma, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 333.

¹⁹³ Ibid 297, 333, 372.

Mark may have an auto-immune disease resulting in fever, as some medical tests suggest. Mark might feel that he was stressed about his exams, which brought on fever in his body. It might also have stemmed from his mild allergy to mushrooms, given that he had had a mushroom risotto, prior to fever. This list of possibilities to provide an explanatory account for Mark's fever is endless, for there are infinite possibilities of a causality. Therefore, a religious account is peculiar in the sense of attributing both an intelligible account and an explanatory account of God's action/behaviour, unlike human behaviour. If God created the Cosmos and everything in it, there must be an intelligible reason for the explanation of its creation.¹⁹⁴ This is what makes an account, a religious account. Therefore, religion is the explanatorily intelligible account of the Cosmos.

The actions of God are different to human behaviour. An explanatory account and intelligibility account coincide in the case of God's action (behaviour) - creation of the Cosmos. As opposed to human behaviour, according to the account religion provides, God's behaviour (his act of creation) can be understood by seeking his reasons in the doctrine and by discovering the structure of the Cosmos. In this way, God's act of creation guides us through his reasons for creation. This is peculiar to God in that his reasons for acting are also the causes of his actions, since God is almighty, supra-human and trustworthy. Therefore, to get this message, human beings should understand the Cosmos as well. As Balagangadhara puts it: "A complete and accurate description of the actions [Cosmos] is required before we have a complete knowledge of the reasons for the actions [his revelation]." ¹⁹⁵ However, Balagangadhara draws our attention to the point that a religious account does not make the Cosmos an expression of some hidden order that is created by God but merely attests it.¹⁹⁶ Hence, it lends intelligibility to everything in the Cosmos, which leads to asking meaning questions.

¹⁹⁴ Indeed, in a deeper analysis into this account of religion, Balagangadhara argues that this claim of religion gave birth to the emergence of natural sciences in the West by producing theory oriented knowledge. See S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) ch 11.

¹⁹⁵ S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 300.

¹⁹⁶ Ibid.

Balagangadhara's research into the properties of these prototypical examples reveals that the account religion provides involves: 1. Created by God, the Cosmos exhibits His purpose; 2. We know this because God has revealed it; 3. God's revelation consists precisely of both the previous steps including this step.¹⁹⁷ Yet Balagangadhara also argues that religion exhibits a reflexive quality and makes the same claim for itself as well. The account that religion provides for the Cosmos is structurally the same as that it claims for itself: religion is God's gift to humanity. By placing the origin of this account outside (God is outside of the Cosmos and its creator), the religious account avoids circularity and becomes its own justification.¹⁹⁸ Balagangadhara's theory also accounts for the incomprehension and indifference of the Roman and Indian traditions regarding Christians' rivalry claims. In his theory the prototypical examples of religion (Judaism, Christianity and Islam) are indeed the only instances of religion.

2. 6. Mechanism of Conversion and "Effacing the Otherness of the Other"

Arriving at his theory, Balagangadhara also analyses how Christianity spread in the Roman pagan world on one hand, the missionary expeditions and the colonial government in India on the other. He not only finds incomprehension of the Roman and Indian traditions to the universal truth claims of Christianity; but also accounts for how these traditions were seen as holding onto idolatry by Christians. In Balagangadhara's account, the concept of idolatry functions to domesticate non-religious traditions in mechanism of conversion or mechanism of "effacing the otherness of the other."¹⁹⁹

The claim that religion is universal across cultures is embedded in each religion. There are two theological claims specific to Semitic religions. The first is that God implanted in the hearts of human beings the desire to

¹⁹⁷ Ibid 346.

¹⁹⁸ For a detailed discussion on how the experience of religious people relates faith in religion see S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 309-319.

¹⁹⁹ Ibid 330-331.

believe in him and the second is that we (the entire humanity) were all Noah's sons once upon a time.²⁰⁰ The latter claim provides a common history for humankind, while the former claims religion as a universal property of every culture. Cultivating a certain anthropological account, the Semitic religions therefore postulate that the humanity was on the true path before the Noah, even if some cultures were corrupted in time. Thus, idolatry addresses the human corruption of religion.²⁰¹ In parallel, for there can be only one true God that provides the only true account of the Cosmos, if the pagans do not follow the true God, they must be worshipping the false gods. Therefore, the pagan cultures are construed as worshipping the false gods.

With this in the background, Balagangadhara argues that the missionaries knew that Indians have a religion even before their expedition to India; they did not know if they were still worshipping the true God or corrupted in worshipping the false god(s). He demonstrates how early missionaries described Indians as idolaters, who "worship the sun and the moon and cows."²⁰² For instance, as described by Varthema: "they lie with their body extended on the ground and very secret, and they perform certain diabolical actions (or motions) with their eyes, and with their mouths they perform certain fearful actions (or motions); and this lasts for a quarter of an hour."²⁰³ Similarly, in Balagangadhara's account for the spread of Christianity, we see that early Christians framed some performances of Roman *religio* as manifestations of 'false' beliefs and criticised them for worshipping false gods. Balagangadhara's analysis suggests that this is quite different from how the Romans and Indians considered their traditions, as transmitted from ancestors and performing them was part of tradition. Thus, questioning their truth or falsity was irrelevant. There was not a direct link between a practice and belief. People were free to hold multiple beliefs or no belief to perform the tradition. Drawing from the transformation of Roman *religio* and Indian traditions as manifestations of false beliefs in the accounts of Christians, Balagangadhara formulates analytical steps of mechanism of conversion.

²⁰⁰ Ibid 85; Jakob De Roover, 'Incurably Religious? Consensus Gentium and the Cultural Universality of Religion' (2014) 61 (1) *Numen* 5-32.

²⁰¹ Ibid.

²⁰² S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 76.

²⁰³ Ibid 77.

Balagangadhara describes the mechanism of conversion as follows:

Though blind to the divine truth, the heathen is cognisant of human certainties. His certainties regarding his tradition reflect the character of traditions as such: customs handed down with their 'origin' lost in time; lore, legends and myths; etc. an individual located in a tradition [that does not have a religion] is always fallible. There is no cognitive certainty that he is continuing the tradition. In the first moment, religion amplifies this uncertainty and fallibility. There is no 'guarantee' that the transmission was accurate; the accumulated stories and legends do not agree with each other[...] that is to say, religion plays upon the very nature of tradition to efface its otherness as tradition.²⁰⁴

Religion is an account provided by God, secured by the doctrine and it is the truth for humanity. Unlike religions, the non-religious traditions are human products. Each tradition is different from the other, because each is that of some people.²⁰⁵ Through the mechanism of conversion, non-religious traditions are also constructed as religions, having the false one though.

2. 7. Universalisation of Religion through Secularisation

Balagangadhara points to the transformation of the descriptions of Indian traditions by the Europeans from 15th century to 18th century. He shows that the concept of idolatry disappeared in these descriptions and this transformation produced entities like Hinduism, Jainism, Sikhism etc as religions of India.²⁰⁶ In his framework, this transformation is a reflection of secularisation of religion. When Christianity cannot spread, it spreads as an account by creating religious worldviews for other cultures. He describes secularisation as "the process where themes from a religion become low-level facts about human beings."²⁰⁷ The theological idea that every culture has a religion became a common sense fact from the grocer to Guru.

²⁰⁴ S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 329-330.

²⁰⁵ Ibid 327.

²⁰⁶ Indeed, Masuzawa also argues the transformation of non-Semitic traditions into 'world religions' in the 19th century see Tomoko Masuzawa, *The Invention of World Religions: or, How European Universalism was Preserved in the Language of Pluralism* (University of Chicago Press 2005).

²⁰⁷ S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 440.

Balagangadhara explains that every religion carries a dynamic to universalise itself through the process of secularisation and argues that the Protestant Reformation led to the first phase in the universalisation of religion.²⁰⁸ Balagangadhara accepts that his account cannot provide insights for the notion of idolatry within a specific religion; but he appeals to this dynamic of religion that idolatry has a certain function in the spread of religion and its consequences.²⁰⁹ From the example of Christianity, Balagangadhara observes that as the Roman pagan traditions were identified false religion, or idolatry, it was crucial for the expanding Christian community to avoid the practices of this false religion, false worshipping, since the true worshipping is an essential aspect of the religion. Thus, idolatry and worship function together to draw the boundary of a religious community: one has to worship the true God and avoid worshipping false gods. In this sense, the realm of secular is drawn only after the demarcation of true worship and false worship. In this connection, the concept of idolatry not only functions to domesticate non-religious traditions as religions; but also functions as an outer boundary of a religious community.²¹⁰

This mechanism of domestication is what allowed Christianity to expand in the pagan world.²¹¹ Idolatry as a theological concept is a crucial aspect for religions because it is indispensable for attracting the community of believers as well as to proselytise the non-believers. During its expansion, what a Christian should practice on the one hand and avoid on the other (to refrain from idolatry) had immense importance. Therefore a believer's life is divided into three: practices allowed (true worship), practices forbidden (false worship) and only after this separation what is left as the secular. In this regard, the secular is an internal aspect of religion. If there is no religion in a culture, there is no separation of religious and secular and no separation of false and true worship. When a non-religious tradition is domesticated as false religion (or idolatry), this division, which is internal to a religion, is also attributed to a non-religious tradition. This is also what Alevis today have been facing in the law courts, dialogues with state authorities and internal discussions that are

²⁰⁸ Ibid 390.

²⁰⁹ Ibid 335-336.

²¹⁰ Ibid 441.

²¹¹ Ibid ch 11.3.3.

demonstrated in the following chapters. To sum up, the concept of idolatry functions in two ways in Balagangadhara's theory: while it domesticates non-religious traditions into variants of religion albeit false, it is also crucial in drawing the boundaries of a religious community. Here, it is also important to underline that the boundaries of a religious community have three dimensions: the realm of religious, the realm of idolatry (forbidden practices) and the realm of secular.

2. 8. A framework for Comparative Study of Cultures

It is important to emphasise that religion does not make the cosmos intelligible; it merely states that the cosmos is intelligible and thereby structures the experience of life as such. The action of creating the cosmos and everything within it demonstrates the intention or message of God for humanity. In this way, religion postulates a peculiar link between actions and beliefs or intentions. Balagangadhara notes that: "religion was not invented to answer questions about the meaning and purpose of life. These questions come into being within the framework of religion."²¹² This is not to suggest that life is meaningless, for the question of meaning in relation to one's life arises within the framework religion provides. This exhibits the same pattern of postulating a link between actions and beliefs, where actions can be understood or learned only through the beliefs that they embed. Within this framework, the knowledge of action cannot be divorced from beliefs, motivations, intentions, or a thought process of mind. Therefore, Balagangadhara argues that religion becomes the root model of order in a culture in which it exists by structuring the experience of life. In this way, it brings about a culture-specific type of learning and meta-learning that produces theoretical knowledge that tends to consider actions as embodying beliefs/intentions. For this kind of culture, knowing a different kind of culture means learning about the beliefs of that culture because all human actions are seen as embodiments of beliefs.²¹³

²¹² Ibid 306.

²¹³ S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) 401-402.

Comparing this kind of culture to Indian culture, Balagangadhara suggests that ritual becomes a root model of order, which forges a different relation between actions and intentions.²¹⁴ Acting does not necessarily demonstrate execution of a belief, intention or thought. In some cultures like the Roman, *religio* is practiced as the tradition of their ancestors, as handed down over generations.²¹⁵ For instance, quoting from a dialogue between a Balinese and a German writer from the 19th century, the Balinese finds the question “Do you believe in the history of Prince Rama?” irrelevant to his practice and culture.²¹⁶ The Balinese is indifferent to the truth status of the story of Prince Rama. Moreover, even if the story of Prince Rama is invented, the story still remains a property of his culture.

Balagangadhara does not formulate this separation between religious and non-religious traditions rigidly. He stresses that “over a period, the configuration of learning comes into being slowly by coordinating different kinds of learning processes. It is stable only to the extent cultures are, and finished only the way cultures could be.”²¹⁷ His analysis points out that

²¹⁴ For further analysis see S.N. Balagangadhara, ‘Comparative anthropology and action sciences: an essay on knowing to act and acting to know’ (1987) 40(2) *Philosophica* (Gent) 77-107.

²¹⁵ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994).

²¹⁶ See the full length of this exemplary dialogue, S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion*, (Brill 1994) 367, citing from Peter Bichsel, *Der Leser, Das Erzählen, Frankfurter Poetik-Vorlesungen*, HLV 1982) 1982, “When I discovered, or when it was explained to me, that Hinduism is a pedagogical religion, namely, that the best ‘good deed’ of a Hindu consisted of explaining something or the other, I lost my inhibitions and began with questions...A young Balinese became my primary teacher. One day I asked him if he believed that the history of Prince Rama – one of the holy books of the Hindus – is true. Without hesitation, he answered it with ‘yes’.

‘So you believe that the Prince Rama lived somewhere and somewhere?’

‘I do not know if he lived’, he said.

‘Then it is a story?’

‘Yes, it is a story.’

‘Then someone wrote this story – I mean: a human being wrote it?’

‘Certainly some human being wrote it’, he said. ‘Then some human being could have also invented it’, I answered and felt triumphant, when I thought that I had convinced him. But he said:

‘It is quite possible that somebody invented this story. But true it is, in any case.’

‘Then it is the case that Prince Rama did not live on this earth?’

‘What is it that you want to know? He asked. ‘do you want to know whether the story is true, or merely whether it occurred?’

‘The Christians believe that their God Jesus Christ was also on earth’, I said, ‘in the New Testament, it has been so described by human beings. But the Christians believe that this is the description of the reality. Their God was also really on Earth.’

My Balinese friend thought it over and said: ‘I had been already so informed. I do not understand why it is important that your God was on earth, but it does strike me that the Europeans are not pious. Is that correct?’ ‘Yes, it is’, I said.”

²¹⁷ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion*, (Brill 1994) 400.

although Christianity absorbed many elements from the Roman pagan culture, nonetheless it consolidated itself not only as a historical movement, but also as a religion.²¹⁸ That is to say that certain practices and doctrines were made use of in making an explanatorily intelligible account; this is however different from the place of these elements in non-religious traditions. "The presence of elements in cultures, which resemble each other very closely, does not tell us much in and by itself. These elements could be the products of different processes or of the same process."²¹⁹ In this regard, the elements of religion can be found in other cultures but they do not interpenetrate and interact with one another in such a way as to formulate the Cosmos as an explanatory intelligible account. Additionally, his research shows that although there is no religion in India, elements present in religion can be found in Indian culture too. Yet again, these elements do not form a religious account.

2. 9. Conclusion

Critical religious studies are divided into two approaches: there is group of scholars criticizing the theories of religion for deploying overly Christian view of religion. They suggest instead considering religion as a concept constructed by power relations defined and confined by the modern state that pretends to be neutral and secular and as such contributes creating the religious and secular (which are then considered mutually constructed). There is another approach taken by the research group at Ghent University led by Balagangadhara, that goes beyond these critics and analyses religious and secular in relation to tradition, a third aspect, the implicit realm of false religion or idolatry.

In this Chapter I first discussed the critical approaches to religious freedom in law and then explained Jakob De Roover's thesis on the dependency of this freedom to the theology of Christian freedom. De Roover shows its unfolding dynamic in the Reformation's anti-clerical theology, which is directed first to the Catholic Church, but is then used by radical Protestants against all confessional churches. Through the formative thinkers of the

²¹⁸ Ibid 433-434.

²¹⁹ Ibid 427.

Reformation and the Enlightenment, De Roover shows how the theology of Christian freedom was developed as a moral obligation of each Christian to tolerate the private realm of religion. This conceptualization later became secularized as commonplace ideas in the formulation of political theory.

While De Roover examines specifically the secularisation of Christian theology, Balagangadhara argues for the secularisation of theological ideas about the universality of religion across cultures. The theory of Balagangadhara identifies religion as peculiar account that only Judaism, Christianity and Islam make. In a nutshell, the argument is this: God, as the creator, ontologically outside of the Cosmos, created the Cosmos and everything within it (including religion), for a purpose (thus an intentional act). In this way, religion provides an account that brings actions and intentions together in an extraordinary way, an explanatorily intelligible account of the Cosmos and of itself.²²⁰ Such an account is only possible for God because his actions do not deceive us and perfectly embodies his reasons.

To elaborate further the implications of explanatorily intelligible account, religion structures a certain experience of the Cosmos as an entity carrying meaning. It does not provide the meaning but only asserts that there is. It emphasizes beliefs or thoughts over rituals and practices. Actions become meaningful as long as they embody a belief or an expression of a thought process. As this account links actions to a thought process or belief, over time, it may become the prototype account for how to go about in the world. It shapes the culture's understanding and learning at meta-level. Balagangadhara proposes that in the West, Christianity provided a culture specific meta-learning that brings about theoretical knowledge, or 'knowing-about'. In this culture specific learning, actions are intrinsically linked to a thought process. Similarly, understanding other cultures means learning their systems of belief or religions or worldviews.

Through a close analysis of Indian traditions and Romans over Christians' claim for supremacy /religious rivalry, Balagangadhara suggests that tradition is a different kind of a phenomenon. Tradition is a set of practices that are handed down over generations and practised not because a certain belief guides them but because it is a tradition. That is to say, tradition does not

²²⁰ Ibid.

need to be rationalized for its practice. As such, there is no need to theorise about and for creating an explanatorily intelligible account of Cosmos. He suggests that tradition cultivates performative knowledge, or action-knowledge, “knowing of.”²²¹ In cultures where there is no religion but tradition, diverse teachings on metaphysics and human life are also present. But these teachings and traditions are not framed in one single belief system or world view. Rather they exist as tools for members of that culture to utilize in their way of going about in the world.

From the viewpoint of a religion, the practices of a tradition are transformed into a set of beliefs that ought to be guiding these practices. Thus, tradition is transformed into a variant of religion. In other words, practices of a tradition are constructed as founded on some set of beliefs that correspond or even alter the teachings available in culture. However, it is important to see the difference between these two phenomena because lumping everything into religion kills the tradition, results in transformation of tradition into a distorted variant of religion, and as such creates burden on people belonging to a tradition. In this regard, he analytically examines tradition as a different phenomenon than religion. Balagangadhara’s theory enables me to analyse performative side of Alevi traditions and tensions of its becoming (a religion), which I turn to Chapter 3. My take on from Balagangadhara’s theory is the fundamental difference between religion like Christianity or Islam on one hand and Alevi traditions and teaching on the other. While Christianity and Islam construe a world view where practices have to be conducted for their reference in doctrinal teachings, Alevi practices do not need to be founded on some reference to scriptures, even though the Alevi culture has a variety of metaphysical teaching.

As I show in the following Chapter the more Islamized the Ottoman Empire, the non-Islamic elements were incorporated in Sufi-tariqa modalities, while Kızılbaş traditions and teachings survived in secret. Yet the introduction of religious freedom in Ottoman Empire marked a paradigm shift in conceptualizing Alevism. Similar to current debates on religious freedom, marking Alevis’ difference in religious terms diverted the discussion and

²²¹ S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994) ch 11.

curtailed our insight to see the core of the problem. With this inheritance, the history of the Turkish Republic has demonstrated ever changing / never ending issue of Alevis' accommodation. This inherited view on Alevism was then travelled to Europe with Alevis' migration as well as the legal activism at the ECtHR that I examine in Part II.

CHAPTER 3 - ANALYSIS OF ALEVI TRADITIONS AND THE FORMATION OF ALEVISM

3.1. Introduction

Despite being considered as heterodox Islam, Alevi do not seem to have much common with other Islamic traditions. Many do not go to mosque, they don't do any kind of *namaz*, they think Quran was changed and do not hold Quran as their doctrine and etc. They have rituals, most prominent one called *cem*, where there is dance, music, singing and occasionally alcohol. What they have in common with some Islamic traditions are the prominent place of Ali, 12 Imams and the story of *Kerbala*. But these Islamic figures seem to be different figures in Alevi traditions. For example, Ali is considered *insan-i kamil*, incarnation of perfect human being. *Cem* ritual is conducted by *dede*, who are proficient in practicing Alevi traditions and therefore not only guide *cem* rituals but also group of Alevi, who are named *talip*, meaning student. Thus, each *dede* traditionally are responsible of guiding a group of Alevi as their *talips*. *Dede* families are called *ocak* and being *dede* depend on their hereditary link. This traditional system of organization, however, has been dissolving since the foundation of Turkish Republic as the legal system criminalized their rituals and using *dede* titles, which will be discussed in Chapter 4.

In this chapter, I first review the main academic claims on Alevism, which continue to influence not only the general perception on Alevism but also Alevi's own self-definitions. After pointing out the flaw in these claims, I will examine Alevi traditions in light of Balagangadhara's theory of religion and will argue for a lack of religion. To strengthen my argument, I will explore on the performative side of Alevi traditions. Following, I will analyse how Alevism has been constructed as a religion at the confluence of Christian missionaries, Ottoman colonialism, and Turkish nationalism, which will

inform the discussions in Part II about how this construction has been evolving in response to political and legal contexts.

3. 2. Explanatory Theories on Alevism

Among academics it is widely acknowledged that neither the terms Alevi nor Alevism has a long history.²²² Rather, they came into common usage only in the 19th century. Alevi is considered to be an umbrella term. Bruinessen observes: “‘Alevi’ is the basic concept, which is used to define those heterodox groups whose beliefs and traditions vary”.²²³ Although this is a very vague sentence, it is accepted that Alevi historically used to refer to Kızılbaş, who appear in historical accounts of the Ottomans in the 15th century. As Kızılbaş is considered as a pejorative word, Alevi has replaced Kızılbaş since the 19th century. Today, studies on Alevis use the phrase “Alevi-Bektaşî” together. Alevi is also used to refer to Bektaşî, a *tariqa* that has been historically associated with the Kızılbaş due to the place of Hacı Bektaş in both traditions. Hacı Bektaş is considered a *dervish*, who migrated from Central Asia to Anatolia around the 13th century and following his death the Bektaşî *tariqa* was formed around the 15th century.²²⁴ Although united in their respect for Hacı Bektaş as well as rituals and ritual language, Kızılbaş/Alevi and Bektaşî communities were historically separate entities.²²⁵

Despite increasing academic interest in formations of the Alevi movement and Alevi identity, academic interest in Alevism with respect to theories of religion remains minimal. Most studies ground their research on the presumption that Alevism is an instance of religion and thereby try to provide explanations for what kind of religion Alevism is. Two of the most common approaches consider it to be an example of heterodox Islam or a syncretic religion. In this regard, similar to the flaw in religious studies as described in the introduction, literature on Alevism also suffers from a similar dilemma as

²²² Markus Dressler, 'Religio-secular Metamorphoses: The Re-making of Turkish Alevism' (2008) 76 *Journal of the American Academy of Religion* 280, 283; Irene Melikoff, *Uyur İdik Uyardılar, 'Alevizm'-Bektasilik Araştırmaları* (T. Alptekin, Trans. Demos 2009) 26.

²²³ Martin Bruinessen, *Kürtlük, Türklük, 'Alevizm', etnik ve dinsel kimlik mücadeleleri* (İletişim 1999) 116.

²²⁴ Irene Melikoff, *Uyur İdik Uyardılar, Alevilik-Bektaşilik Araştırmaları* (Demos 2009) 22-25.

²²⁵ This point will be examined in detail later in this Chapter and Chapter 3.

regards the *explanandum* and *explanans*. That is to say, they presume that Alevism is an instance of religion and based on this presumption, try to provide explanations on what kind of religion it is. The limited empirical inquiries into the existence of religion in Alevi culture provide explanations for the religion of Alevi communities, rather than questioning the existence of religion in Alevi culture. Moreover, studies undertaken during at least the last two decades have not been interested in discussing the religion of Alevism. Calling it a definition contest or definitional problem, these studies focus on political aspects of the formation of Alevism.²²⁶ It is as though they avoid engaging with the theories on religion to assess Alevism. Yet, how reliable are the findings of these studies that are grounded on an assumption of the existence of religion in Alevi culture that is not based on empirical evidence?

The endeavour to provide an explanation for Alevis' religion and Alevism began in the 19th century, with Christian missionary accounts, which were followed by counter-missionary activity by the Ottomans.²²⁷ Academic studies that examine Alevism as Alevis' religion appeared around the turn of the 20th century. Early republican scholar Köprülü's conceptualisation of Alevism has been the most influential and is referred to by other scholars as "Köprülü Paradigm".²²⁸ As a historian and literature scholar, Köprülü's main interest was the history of Turks and Turkish literature. It is within this framework that he wrote about Alevis. As such his writings were not based on empirical data. According to the Köprülü Paradigm, Alevism is an example of heterodox Islam, which is heavily influenced by Shamanic beliefs in Central Asia, a region that is believed to be the homeland of the Turkish nation. Thus, by connecting the roots of Alevis to Central Asia, Köprülü also produced evidence for the history of the Turkish nation which constituted a fundamental element of the ideology of Turkish nation and represented Alevis as the carriers

²²⁶ Talha Köse, 'The AKP and the 'Alevi Opening': Understanding the Dynamics of the Rapprochement' (2010) *Insight Turkey* 143-164; Ceren Lord, 'Rethinking the Justice and Development Party's 'Alevi openings'' (2017) 18(2) *Turkish Studies* 278-296; Besim Can Zırh, 'Becoming Visible Through Migration: Understanding the Relationships Between the Alevi Revival, Migration and Funerary Practices Through Europe and Turkey' (Unpublished PhD dissertation University College of London 2012).

²²⁷ This process is examined in detail in Chapter 3.

²²⁸ Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished PhD dissertation Harvard University 2008).

of pre-Islamic Turkish culture.²²⁹ I will examine this process further below in this Chapter at section 3.5.

Another influential scholar of the early 20th century is Yörükan, who conducted ethnographic fieldwork with Tahtaci Alevi from the 1920s till his death in 1954.²³⁰ Some of his observations are as follows: the migration of souls is a common belief among Alevi communities. Alcohol is permitted. No one goes on pilgrimage. Neither do they go to the mosque, perform *namaz* (Islamic worship) nor do they fast. Thus they do not abide by the five pillars of Islam. He goes on: “For them these practices belong to “*yezid*”, which means Muslims other than themselves. Their life is simple: They consider some tombs belonging to certain historical figures, some big rocks, and trees important, visit them separately and make animal sacrifices [*kurban*] to them.”²³¹ He also observes that Alevi consider Ali to be God.²³² Based on similar observations he considers Alevism as a syncretic formation, influenced by archaic Turkish customs, which sometimes run contrary to one another.²³³ Separating Alevi from Bektasism²³⁴, he further asserts that Anatolian Alevism is not only a continuation of esoterism (*batinilik*), but a world that mingles some Turkish *tariqas* such as Yesevi, Kalenderi, Haydari, is influenced by Hurufi philosophies and includes Turkish customs and traditions as well as folk poetry.²³⁵

²²⁹ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013); Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished PhD dissertation Harvard University 2008).

²³⁰ Yusuf Ziya Yörükan, *Anadolu'da Aleviler ve Tahtacılar* (compiled by Turhan Yörükan, 4th edition, Ötüken 2005). His fieldwork with Tahtaci Alevi was mainly conducted between 1927 and 1932, while he kept visiting these communities until 1950s.

²³¹ Ibid 449. The original passage is as follows: “Butun Alevilerde ruhun gocu inanisi, genel bir inanistir. Raki sarap helal, hacca giden yok namaz abdest oruc gibi dini emirler onlarca yezidlere yani kendilerinden olmayan muslumanlara aittir. Yasayislari pek basit olan Aleviler, Hacı Bektas’I Alaca’daki Huseyin Gazi’yi, digger yerlerde kendilerinden olduklarina inandiklari yatirlari, bazi yerlerde buyuk kayalari, agaclarini toplu ve ayri ayri ziyaret ederler ve oralarda kurbanlar keserler.”

²³² Ibid 448.

²³³ Ibid 445. The original passage is as follows: “Senkretik bir olusum eski turk adetlerine eklenmis bazen birbirine aykiri unsurlardan olusan [...]”

²³⁴ See his discussion for the relation between Alevi and Bektasism, see ibid 447-449 where he argues about the power shift to Celebi family, descendants of Hacı Bektas over some Alevi communities in 19th century.

²³⁵ Ibid 445. The original passage is as follows: “Anadolu Aleviligi, sadece Batiniligin devamı degildir. Yesevi, kalenderi, haydari, gibi Turk tarikatlarının hurufiligin vucudiye ve dehriye felsefesinin karistigini icerisinde bazi turk gorenek ve geleneginin ve halk siirinin yasadigi bir dunyadir.”

Framing Alevism as a syncretic belief system, he sees *cem* ritual as the main worship of Alevis.²³⁶ Some of the ‘prayers’ (called *gölbang* in Alevi terminology) uttered in *cem* rituals are as follows: For evenings: “Aksamalar hayrola, hayirlar fethola, serler defola, munkir munafik matola, uzerimizden kazalar, belalar defola, gercegin demine hu”. It is difficult to translate this *gölbang* as it is in the form of certain poetry, specific to Alevi culture. Yet, it would be: “evening to be good, good to be achieved, evil to be eliminated, infidels to be eliminated, troubles and accidents to be eliminated, ‘hu’ to the reality”. Again another *gölbang* is “Allah Allah, niyazi kabul ola, muradi hasil ola, tuttugu ileri gide, Sahi Merdan yardimcisi ola, evi ocagi sen ola, biri bine sayila, Halil Ibrahim berekati vere, gercegin demine hu”. This would be translated as: “Allah Allah, wishes to be accepted, hopes to be realized, efforts to go ahead, Sahi Merdan to be supporting, house and family to be happy, one to be counted thousand, Halil Ibrahim to bring abundance, ‘hu’ to the reality”. What makes these *gölbangs* into prayer and *cem* ritual into worship is not clear. The terms prayer and worship are internal to a religion. Therefore they cannot be used to differentiate a phenomenon from religion.²³⁷ As such, they remain Yörükan’s assumptions for finding a belief system for Alevis. Indeed, neither Köprülü nor Yörükan discusses whether Alevis have a religion. They, rather, try to explain the kind of religion Alevism is.

Following in the footsteps of Köprülü and Yörükan, in the second half of the 20th century, two students of Köprülü, Ocak and Melikoff, developed a conceptualisation of Alevism as a syncretic belief system, by demonstrating various similarities between Alevi beliefs and beliefs of Asian traditions such as reincarnation in Hinduism and *tenasuh* in Alevism or the sacred place of nature in Shamanic traditions and in Alevi traditions.²³⁸ Unlike the predominant place of old Turkish customs and traditions in the writings of Köprülü and Yörükan, Ocak and Melikoff attribute influences on Alevism from not only Turkish Shamanism but also Iranian and Indian religious traditions.²³⁹ Thus in an effort to provide a ‘better’ explanation for the

²³⁶ Ibid 317-413.

²³⁷ S.N. Balagadhara, "The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion (Brill 1994) 103-138.

²³⁸ Ahmet Yasar Ocak, *Alevi ve Bektaşî İnançlarının İslam Öncesi Temelleri* (İletişim Yayınları 2007).

²³⁹ Ibid; Irene Melikoff, *Uyur İdik Uyardılar, Alevilik-Bektaşilik Araştırmaları* (Demos 2009) 26.

existence of a syncretic religion, both Ocak and Melikoff bring a more complex picture for the roots of Alevism. Their conceptualisation is important as it was also embraced by many Alevis and shaped their perspective on their own culture. During my fieldwork, many Alevis I encountered consider Shamanism as the root of Alevi practices such as “*niyaz etmek*” to the sun, mountains and trees. “*Niyaz etmek*” is sometimes referred to as worship, especially in the context of *cem* rituals. Yet, when it is done to a rock or tree, Alevis never use the word worship (*ibadet*) but always refer the act as *niyaz etmek*. According to my fieldwork observations, the closest translation for *niyaz etmek* would be to show respect or reverence. According to some Alevis this act of *niyaz* demonstrates Alevi culture’s link to Shamanism. However, they do not question why this reverence for nature must be an example of their Shamanic roots. Given that this connection has been argued by Melikoff and Ocak, their influence on Alevis’ perception of Alevi culture becomes clear. I have also encountered explicit references to Melikoff and Ocak in explaining Alevism, during my fieldwork interviews.

Köprülü’s paradigm has been invalidated by recent historical studies that proved a lack of sufficient historical evidence for a connection between the religious movements of Central Asia and Anatolia. Most important among these, the historian Kafadar demonstrates the ambiguous religious map of Anatolia during the formation of the Ottoman Empire.²⁴⁰ Similarly, Karamustafa’s work on Sufism raises questions about the religious affiliations of different dervish groups in medieval Anatolia.²⁴¹ These studies are important because the history of Kızılbaş/Alevi communities is often traced back to 13th and 16th century events in Anatolia (seen in the ECtHR judgments as well, as discussed in Chapter 5). Thus, we see the earlier attempts of Köprülü and Yörükan to carve out the history of Alevis in order to substantiate a belief

²⁴⁰ Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Univ of California Press 1995).

²⁴¹ Ahmet T. Karamustafa, ‘Origins of Anatolian Sufism’, in Ahmet Yasar Ocak (ed), *Sufism and Sufis in Ottoman Society: Sources, Doctrine, Rituals, Turuq, Architecture, Literature and Fine Arts, Modernism* (Ankara TTK 2005) 67-95, 78-79. Karamustafa argues, contrary to Köprülü’s assertions, there is no trace of Shism or Batinism in Yasavi tradition that was considered to be Turkish ancestors migrated from Central Asia. In addition, there is no firm evidence that even a slam number of Yasawi dervishes came from Anatolia to Central Asia. Since the theory of continuity of Turkish Culture is based on Köprülü’s argument of a continuity of popular religious culture in general and the Yesevi-Bektasi connection in particular, Karamustafa’s criticism of Köprülü’s interpretation of the Yeseviye dismantles one of the major pieces of evidence of continuity of Sufi-Muslim culture of Central Asia to Anatolia.

system for Alevis, however syncretic it was, continue to influence the current perception on Alevism before the courts, as will be analysed in Part II.

Although Kafadar and Karamustafa emphasise the ambiguous religious character of social movements and “dervish” groups in medieval Anatolia, both these scholars presuppose religious tendencies in these movements. For example, trying to find an explanation for the religious adherences of frontier communities in medieval Anatolia (from 11th till 15th centuries), Kafadar introduces the concept of metadoxy as “a state of being beyond doxies; a combination of being doxy-naïve and not being doxy-minded, as well as the absence of a state that was interested in rigorously defining and strictly enforcing an orthodoxy.”²⁴² He comes to this conclusion upon his analysis of a literature genre called the *hagiographies* of the dervishes and the epics of the *gazi* warriors and finds ‘inconsistent’ elements such as a Muslim dervish praying together with Christians in some accounts while women warriors would be dominant characters in others.²⁴³ The inconsistency of practicing in both Islamic and Christian ways by these warriors and dervishes for which he tries to find an explanation by introducing ‘metadoxy’ might also stem from a different approach to tradition, that is not an epistemic one.

Similarly, in his research on formations of Sufism in the Middle East and its diffusion in Anatolia, Karamustafa tries to reconcile the relations between the Sufi movements and the deviant ‘*dervish*’ groups, some of which are considered to be forerunners of today’s Alevis. He underlines the complex relations between Sufis and these *dervish* groups:

It is not enough to characterize the conflict between Sufi piety and dervish religiosity as simple mutual hostility, however. It would be more accurate to compare this relationship to the complex bond between ‘socially conformist’ parents and their ‘rebellious’ offspring. Thus, although the dervishes vociferously rejected the main features of institutional Sufism, in the final analysis they could not help but retain essentially Sufi beliefs and practices. The tariqah determined the

²⁴² Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Univ of California Press 1995) 76.

²⁴³ Ibid 71, where his analysis of epics reveals practices, which contradict scriptural Islam such as women warrior figures, who transgress dress and behavioural codes by fighting in the company of men warriors. Similarly, the hagiographies demonstrate ‘pagan’ elements like stories of flying rugs. Kafadar describes these hagiographies as a fusion of pre-Islamic and Islamic beliefs as well as Christian motifs, noting: “There are numerous instances where Sari Saltuk gains converts among Byzantines by a display of empathy toward their Christian culture. He participates in numerous battles slaying infidels, but he can also stand by the altar in the Church of Hagia Sophia, when Constantinople is still Byzantine of course, and recite the Bible with such emotion that the Orthodox congregation dissolves into tears.”

general pattern and shape of its shadow counterpart, the dervish group. The latter was a mirror image, in its negation, of the former.²⁴⁴

What holds together these ‘socially conformist’ parents and their ‘rebellious’ offspring is the cult of *evliya*, translated as ‘saints’ by Karamustafa. *Evliya* is a person who is considered to be ‘God’s friend’ by deviant dervish groups. He introduces the term, institutional Sufism, and separates it from the kind of Sufism practiced by these deviant dervish groups. This enables him to include these dervish groups within Sufism and therefore account for their religious affiliations. The prominent place of stories of *evliyas* among dervish groups provides the link for this religious affiliation. Yet what makes these *evliyas* into ‘saints’ or religious figures is not clear. Indeed, he himself notes the scarcity of information about the influence of non-Islamic traditions in the formation of Sufism and nonconformity of these dervish groups with ‘orthodox’ Islam. The compulsion that the scholars have to discover religious roots of every culture might be the reason for his presumption on the religious nature of *evliya* stories.

Kafadar’s student Karakaya’s historical analysis of some written documents belonging to certain *dede* families further examines the formation of the *ocak* structure and their shifting alliances. However critical these studies of the history of the formation of Alevi traditions are, they do not question the religiousness of these traditions. Rather, it is taken for granted, thus Karakaya tries to come up with a more suitable term to refer to Alevis’ religion: “charisma loyal Islamic group”. Another term is introduced by Dressler, who follows in the footsteps of Talal Asad. Adopting a genealogical approach, he considers religion to be a social construct and suggests studying Alevism within the vernacular of Islam as an “inner-Islamic” tradition. There are two main problems with Dressler’s and Karakaya’s approach. The first one is their assumption that Alevism exists as an instance of religion (Islam). The second one is the confusion over the differences between a definition and a theory. Simply replacing what earlier scholars referred to as heterodox or syncretic with ‘charisma-loyal Islamic group’ (by Karakaya) and within ‘inner-Islamic

²⁴⁴ Ahmet T Karamustafa, *God’s unruly friends. Dervish Groups in the Islamic Later Period, 1200-1250* (Univ of Utah Press 1994) 91.

difference' (by Dressler) does not solve the problem concerning the Alevism phenomenon.

Moreover, Dressler's genealogical analysis considers religion, thus Alevism, as a discursive construct, which has been homogenised and modernised and appropriated both by Turkish nationalists and Alevi themselves.²⁴⁵ The issue about the construction of a phenomenon is elaborated above through the analogy to claim about gravity. Additionally, claims about the construction of religion also conceal a fundamental empirical problem. By talking of religion in general, they make it seem as though a symmetrical and equivalent process is at work in the construction of all religions; since religion is a construct, Christianity, Judaism, Islam, Hinduism, Buddhism, Alevism are all equally constructed. However, as Balagangadhara explains, Christianity has described itself in terms of religion and also recognised certain others as its rival religions, while these descriptions in terms of religion failed to make sense to many of these others.²⁴⁶ As explained in Chapter 2, throughout history, both these self-descriptions and descriptions of the other in terms of religion have made sense to Christian Europeans, whereas the Romans and Indians responded with incomprehension.²⁴⁷ The suggestion that all religions are products of construction ignores this fundamental asymmetry. In addition, the arguments about the construction of Alevism are not clear about what exactly is constructed and whether the constructed phenomenon has a place in reality. Consequently, the literature on Alevism demonstrates the predicament of religious studies: the presupposition of the universality of religion across cultures. With this presumption in the background, they look for the beliefs and gods and worship of all cultures. This is a practice of *petitio principii*; assuming the truth of a proposition whose truth should be demonstrated: that religion is a cultural universal.

²⁴⁵ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013).

²⁴⁶ S.N. Balagangadhara, *"The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion* (Brill 1994).

²⁴⁷ Ibid.

3. 3. Alevi Traditions in Balagangadhara's Theory of Religion

The controversy over establishing Alevism as a religion has been illustrated above. Despite the categorisation of Alevism as being 'within Islam', as a separate religion or as a syncretism, considering Alevism as an instance of religion is pre-theoretical and does not go beyond classificatory definitions that lack the power of explanation. Therefore, this section will examine Alevi traditions through the lens of Balagangadhara's theory of religion. His theory meticulously revolves around aspects, through which Christianity defines itself as a religion and considers Islam and Judaism as rivals.²⁴⁸ He demonstrates that this rivalry was argued on the ground of doctrinal differences and God. He identifies three aspects: religious rivalry, importance of doctrine, and the necessity of God to religion, which contribute to forming religion that is an explanatorily intelligible account of the Cosmos and of itself.

Regarding the aspect of rivalry, Balagangadhara argues that intolerance is the inevitable outcome of an explanatorily intelligible account of the Cosmos. Faith may be the key here because the more faithful one is to God's plan for us the more intolerant one has to be to other versions of that plan (other religions). My fieldwork findings suggest that if religion is about rivalry, Alevis do not appear to demonstrate it. Alevis are proud of "looking at 72 nations with the same gaze". Alevis often use this phrase to emphasise their respect for different religions and cultural differences.²⁴⁹ Furthermore, there is no record of Alevis engaging in proselytising activities throughout history. My fieldwork findings confirm this and suggest that Alevis do not compete with people of other traditions over the truth of their beliefs or practices.²⁵⁰ Neither do they argue over there being only one way to navigate life. For instance, participants' descriptions of Alevism often underline that Alevism has historically been shaped through its encounters with various traditions such as Zoroastrianism, Buddhism, Christianity and Islam. No tradition is considered in competition to theirs. During my fieldwork, I witnessed similar indifference

²⁴⁸ Ibid.

²⁴⁹ My fieldwork findings.

²⁵⁰ Also see Ali Yaman, *Alevilik & Bektaşılık Tarihi* (NoktaKitap 2007); Yusuf Ziya Yörükan, *Anadolu'da Aleviler ve Tahtacılar* (compiled by Turhan Yörükan, 4th ed, Otuken 2005) 443-449.

when I was informed that Jehovah Witnesses would drop a copy of their publications every now and then into a local Alevi community centre in London. In this regard, Alevis seem to be indifferent to rivalry claims. Even when they need to situate Alevism within Islam, they do not argue the superiority of Alevism over Islam. Rather, they would explain what they do not appreciate about Islam and how it differs from their culture. Yet, they do not postulate a rivalry between them and other traditions. In this regard, I argue that an explanatorily intelligible account of Cosmos and of itself that the rivalry is off product is missing in Alevi culture.

Unlike Alevis' approach to other cultures, for Muslims and Christians, the Alevi needs to be converted to the true path. This is why the Ottomans called them heretics. Alevis' resistance to the missionaries' efforts to convert the Alevi also demonstrates the indifference of the Alevi to the Christian doctrine.²⁵¹ From the records of ABCFM, a letter from Mr. Herrick charged with missionary activity in Anatolia, dated 16 November 1865, noted that:

Some things are now clear. 1. These people were formerly, though nominally Mohammedans, really heathens; paying a respect amounting to worship to their chief Sheiks, and from time to time bowing idolatrously before wands cut from a certain tree, and kept in the houses of their Sheiks. But 2. their religious faith and customs had too little of substance and body to hold them firmly, and their faith in Mohammed and the Koran was, and was known to be, a mere lip confession. When, therefore, some dozen years ago, Armenian Protestant brethren brought them the gospel, they professed, whether in sincerity or with hope of advantage, to receive it; and ever since that time, some score or two of houses are known as Protestant; and they adhere to this profession, although they have suffered a great deal of persecution from other Koords. 3. They are now very timid and fearful. This timidity is so great, that one can make nothing of their talk while other Koords are present; for then they will avow precisely the same belief in Mohammed and the Koran as in Jesus and the Gospel, and express almost entire indifference as to learning to read, or for instruction of any kind.²⁵²

²⁵¹ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013).

²⁵² George Herrick, 'Western Turkey - Letter from Mr. Herrick' (1866) Volume 62 Missionary Herald 68-69, available at <https://babel.hathitrust.org/cgi/pt?id=nyp.33433068289077&view=1up&seq=85> (accessed 3 May 2020).

The missionaries did not find the acceptance of Mohammad or Jesus by the Kızılbaş enough for their conversion. Similar to the dialogue with the Balinese, the Kızılbaş belief is different from a religious person, who experience religion as an explanatorily intelligible account through faith. Having faith in God's word consequently results in intolerance to other accounts. Similar to the missionaries interacting with the Kızılbaş, the missionary reports on the conversion of Hindus to Christianity, mention that for Hindus believing Jesus to be another avatar among many in India was a common reaction; but not enough for their conversion. Adhering to a religious account causes intolerance to any other account. In this connection, the indifference of the Kızılbaş is similar to the attitudes of Indians to the conversion efforts of Islam and Christianity.²⁵³ Comparing the Indian and Western culture, Balagangadhara argues that “Having worldviews is not how the human being goes-about in the world. It is merely a way of going-about. Some culture claims to have the worldview (be it scientific one or a ‘religious’ one); the pagans acknowledge the possibility and merely say that it is not their way of going-about.”²⁵⁴ From this point of view, it could be noted that the Alevi traditions lack the aspect of rivalry and indeed could not understand a religious rivalry in their contact with Islam and Christianity. This might stem from the constraints of a culture without religion that does not lend intelligibility to some lines of inquiry. As discussed in Chapter 6, the Alevi Federation in Britain explained Alevism as an instance of Humanism in its application to the Charity Commission. For Alevis, there is no rivalry between Alevism and Humanism. However, the Commission objected to equating Alevism and Humanism in framing Alevism as a religion and asked the Federation to promote only one of them; either Alevism or Humanism.

A doctrinal core over the relation between God and humanity has been the focus of religious rivalry.²⁵⁵ This is because each religion claims to be holding ‘the true’ account of the Cosmos and therefore necessitates a doctrine for its ahistorical, unchanged, ever accessible account. Additionally, a religious doctrine is crucial in establishing an explanatorily intelligible account of the

²⁵³ S.N. Balagangadhara and Divya Jhingran, *Do All Roads Lead to Jerusalem? The Making of Indian Religions* (Manohar 2014) 179.

²⁵⁴ S.N. Balagangadhara, “*The Heathen in His Blindness*”--: *Asia, the West, and the Dynamic of Religion* (Brill 1994) 430.

²⁵⁵ *Ibid* 297.

Cosmos and of itself, as it captures the revelation of God. My fieldwork findings suggest the absence of a religious doctrine among Alevis. None of the participants in the research asserted the existence of a religious doctrine that accounts for the world and God, which also accounts for Alevism. Indeed, the very absence of any doctrine that sets rigid rules and regulations over beliefs is underscored as one of the 'values of Alevism'. The lack of doctrines and the existence of questioning are represented as values of Alevism. Alevis praises questioning the validity of any fact, and some of them call themselves *hakikatci* (seekers of reality). In the interviews, some participants said that even Ali or *dede* (spiritual guide) might be criticised regarding their deeds in a particular context, to underline this sceptical attitude. I myself witnessed many occasions where the place of Ali within Alevism was discussed or *dede*' views on Alevism being objected to by others. Also, in a *cem* ritual, a *dede* stated that

Islam is still being administered by the rules of 1000 years ago. Alevism is different. Alevism has carried its essence to this day while adapting itself to life. If anything does not suit today's living conditions, no need to do that. Reinterpreting Alevism and applying it accordingly is what we need.

In other words, there is no authoritative text for the transmission of Alevi culture. Neither is there an authoritative interpretation of Alevism. In this regard, it might be suggested that religious doctrine is not a feature of Alevi culture.

There are some written materials belonging to Alevi culture. Among them the most relevant one is *buyruk*. Its literature dates back to the 16th Century.²⁵⁶ The identity of its author is controversial; he was most probably Imam Jafer, the sixth Imam, or Shah Ismail.²⁵⁷ This controversy does not concern Alevis. They are indifferent to the question of author and authenticity. Indeed, most Alevis do not read *buyruk*, although it is available. Neither do they refer to it during the interviews I conducted and my participant observations of *cem* rituals and different events, as opposed to references to the *deyiş/nefes* genre of Alevi poetry²⁵⁸. In other words, the Alevi does not have the habit of referring to *buyruk* or any scripture to clarify a contested issue or to explain Alevi values. In this regard, neither *buyruk* nor any other written

²⁵⁶ Fuat Bozkurt, *Buyruk: Imam Cafer-i Sadik Buyruğu* (Kapı 2009).

²⁵⁷ Ibid.

²⁵⁸ My fieldwork findings.

material is perceived as a revelation of God. Indeed, Yörükân observes from his fieldwork with Tahtacı Alevîs that they do not know who the author of *buyruk* is.²⁵⁹

Instead, what is very common among Alevî-Kızılbaş communities is to refer to *deyiş/nefes*. I observed the prominent place of *deyiş/nefes* in my conversations with *dede* like Dertli Divani as well as Alevîs who consider themselves atheists because of their lack of interest in Alevism. In a seminar series organized at the London *Cemevi*, aiming to clarify what Alevism is, no emphasis was put on *buyruk* or any scripture. Instead, the history of religions such as Shamanism, Zoroastrianism, Hinduism etc were discussed to understand Alevism and this discussion was followed by the singing of *deyiş/nefes*.²⁶⁰ Similarly, during my fieldwork observation of Mekteb-i İrfan in Ankara that was another effort to learn about Alevism, there was no emphasis placed on scripture. Indeed, the Mekteb-i İrfan initiative used the method of playing *saz*, singing *deyiş/nefes*, and also talking about these *deyiş/nefes*, as it is a form of poetry and some words are archaic, rooted in either Persian, Arabic or Ottoman. Additionally, there was no emphasis on Alevî scripture during my fieldwork observation of Religious Education on Alevism at the Highbury-Islington Secondary School in London. *Deyiş/nefes* is a genre of Alevî poetry that will be analysed further below. However, there is no demonstrable means by which one could say that there is a religious doctrine present. There is no scripture talking about God in Alevî culture. There is no revelation to be secularised as a world-view or a system of belief. In the absence of a religious doctrinal core, it is difficult to state that Alevism provides an explanatorily intelligible account of the Cosmos and of itself.²⁶¹

During my fieldwork, I attended a seminar series, led by an Alevî *ozan* (bard), organized by the London *Cemevi*, intended to clarify what Alevism is for Alevîs themselves. Although the seminars did not continue due

²⁵⁹ Yusuf Ziya Yörükân, *Anadolu'da Alevîler ve Tahtacılar* (compiled by Turhan Yörükân, 4th edition, Ötüken 2005) 283. The original passage is as follows: “Bunlar Sah İsmail’i, Cafer’in oğlu zannederler. Fakat bazıları Sah İsmail için “Hz Ali’nin biraderzadesidir.” Der. Nasir-i Tusi’ye de “Muhammed Safi’nin oğludur”, derler. Aralarında Seyh Safi ismi mevcut olduğu halde kim olduğunu bilmezler. Erdebil kelimesi de aralarında söylenmektedir, ancak bu hususta da bilgileri yoktur.”

²⁶⁰ These seminar series are discussed below with more detail.

²⁶¹ Also see S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994) 371-373, about how the aspect of religious doctrine is also important in securing the transmission of religious account.

to the lack of attendance by the community, the curriculum was prepared in a chronological order of all the belief systems and religions which would eventually influence Alevi traditions, such as Brahmanism, Zoroastrianism and Islam. Therefore, these seminars differed from Quran or Bible courses, since the aim was not to teach the practices of Alevi traditions, but how to frame Alevism vis-à-vis other traditions. Indeed, there is a repeated tendency to explain Alevism through comparison with other traditions/religions, as also observed by other scholars.²⁶² This tendency supports further the theory that Alevism does not present a core account of the Cosmos, compatible to a religious account.

The difficulty of describing Alevism was apparent in the instructor's attitude in leading these seminar series. The two most popular questions posed by the students were what Alevism is and when Alevism appeared. That is to say, concerns over its 'roots' and gaining information *about* Alevism. The instructor, however, used to refer to upcoming classes, which would "bring clarity to Alevism". He used to avoid naming Alevism as a phenomenon through a number of manoeuvres, such as "Alevism is that which takes the good sides of other beliefs and religions and leaves out their bad sides," or "we find Alevism out of all these [Brahmanism, Manichaeism, Zoroastrianism, Hinduism]" or "you need to drink tea in order to understand what tea is" etc. Yet, it was unclear if these answers met the students' expectations, some of whom complained that "it [understanding Alevism] is like a chess game; pieces have never been placed properly" and "we are people of an ill-fated era: we struggle to explain ourselves". In this connection, I suggest that Alevis are confronted with a demand to explain Alevism through an implied requirement of having a system of belief and a doctrine to play the chess game.

Keeping in mind the content of this rivalry over religious doctrine for an explanatorily intelligible account, de facto there is no notion of God in Alevi culture, corresponding to God in Abrahamic religions, as the creator, transcending this world and superior to humanity. However, this does not mean that the Alevi do not refer to God in language use. To explain whether there is

²⁶² Martin Sökefeld, 'Alevis in Germany and the Politics of Recognition' (2003) 29 *New Perspectives on Turkey* 133-161; also see Besim Can Zırh, 'Becoming Visible Through Migration: Understanding the Relationships Between the Alevi Revival, Migration and Funerary Practices Through Europe and Turkey', (Unpublished PhD dissertation University College London 2012).

God or not, whom to address as God, Alevis often refer to various *deyiş/nefes*. One of them says: "Allah sees everything, so he has eyes; hears everything, so has ears; knows everything, so has a brain; that's to say he resembles you". Comparing God to human beings would be considered blasphemous in Islam.

In their language use Alevis may refer to God, particularly with reference to *hak*. *Hak* does not have a single definition, being described in myriad ways. One description is as follows: Some call it the universe or the energy, of which everything is part. A very well-known Alevi saying goes: "Enel hak", which is translated as: "I am hak", which was first uttered by one of the Alevi poets, Nesimi, in the 14th century and caused him to be sentenced to be flayed alive on the grounds that he was a heretic, who considered himself God. It might be the case that *hak* is something that the Alevi experience, but do not necessarily describe in a way that appears consistent. The Alevi considers that everything in the universe is a part of *hak*. Some Alevis see *hak* in everything in the universe, not necessarily or solely in living things. Quoting from my memory of a *dede* in London, he and I left the *cemevi* in Ridley Road, walking to the bus stop. It was raining. He did not have an umbrella, while I had a crooked umbrella. When I was complaining that the umbrella was out of shape, he said 'semsiyeyi gucendirmeyelim' meaning 'let's not offend the umbrella' as there is *hak* in an umbrella, too.²⁶³

The descriptions of participants often start with an emphasis on the value of the human being in the Alevi traditions and that human beings are the foremost 'thing' for the Alevi. They stress that god refers to human beings and life for Alevis. In this regard, Alevis do not pray to god to act upon their requests. During my fieldwork, over the issue of God or *hak*, participants often emphasised that for Alevis the most important thing is the human being. When asked if *hak* refers to God, a usual response would be "the most important thing in Alevism is the human being. Human beings are the creator. *Hak* would be an energy." However, as will be discussed in the following chapters, *hak* is often translated as 'truth' or 'God' in the UK context for the purposes of the religious education curriculum and applications to the Charity Commission, in Chapter 6.

²⁶³ My fieldwork observations, April 2015, London

Moreover, a religious account builds a very specific relationship between God and a human being through faith and worship. It proposes faith and worship as being rewarded and bringing salvation in an afterlife in heaven. The Alevi understanding of life after death demonstrates the lack of such an account for Alevis. None of the Alevis I talked believed in heaven and hell after death, based on their deeds in the world. For them, there is no world beyond this one. Balagangadhara suggests that for non-religious traditions "life would be an unbroken movement of 'lives'; by the same token, there could be neither a unique or a radical beginning, nor a unique or a radical end to a person."²⁶⁴ Similarly, Alevis construe the concept of 'tenasuh' as 'walking to *hak*', or 'changing underwear', all of which indicate the continuity of life after death through the migration of the soul. Thus, there is no concept of heaven or hell, heaven being the preferred aim in Semitic religions of worship and conforming to God's purpose in this life.

Consequently, Alevis do not theorise the world through a revelation of God. Neither do they consider the Cosmos as an 'explanatorily intelligible account'. In light of this examination, it might be possible to say that the Alevi culture may not have a religion.

3. 4. Alevi Traditions Based on the Fieldwork

My above analysis suggests that religion does not seem to be a property of Alevi culture, when I apply Balagangadhara's theory on my fieldwork. To strengthen my argument, I describe some Alevi practices to understand the resources of the Alevi culture.

Ocak formation / culture-specific organizations of Alevis

Ocak (hearth) is described as the chain of "El Ele, El Hak'a" (Hand to Hand, Hand to hak), that is called "an ocak-based trans-local socio-spiritual

²⁶⁴ S.N. Balagangadhara, *"The Heathen in His Blindness"--: Asia, the West, and the Dynamic of Religion* (Brill 1994) 424.

network" ²⁶⁵ or "the traditional Alevi socio-religious structure". ²⁶⁶ *Ocak* structures are founded around *dede* families, whose members are known as *ocakzade* (literally, child of *ocak*). The *Dede* is considered as the spiritual leader/ spiritual guide of Alevis, due to holding the authority to guide Alevi rituals; but also as a guide in community matters. *Talip* literally means student. ²⁶⁷ In this culture-specific system, a talip would 'el almak' from a *dede* and every *dede* would 'el almak' from a *murşid*, who is also from a *dede* family. 'El almak' literally means 'getting hand'. In Alevi culture, it signifies forging a specific relationship, where the *talip* is guided by the *dede* through Alevi culture, its teaching and practices. This relationship is initiated and sustained through a *cem* ritual that is called *görgü*.

Additionally, the *talip* would forge another relationship with another *talip*, through a ritual, called *musahiplik* ²⁶⁸, on the condition that the *talip* is married. Thus *musahiplik* is for married *talips*. These *talips* would be known as *musahip* to each other and are expected to guide each other in life. *Musahiplik* is similar to *kirvelik* ²⁶⁹, that is mostly specific to Kurdish communities. ²⁷⁰ Therefore, it might be suggested that Alevis are linked to one another through an amalgam of different units of organization and kinship ties. According to Zırh, this is "how Alevis were able to sustain their cultural geographies in the face of this [Ottoman] politically hostile administrative cartography."²⁷¹

Historically, *dede* families have a claim of being descended from the lineage of the 12 Imams. ²⁷² However, it is not clear whether Alevis accept this

²⁶⁵ Besim Can Zırh, 'Becoming Visible Through Migration: Understanding the Relationships Between the Alevi Revival, Migration and Funerary Practices Through Europe and Turkey' (Unpublished PhD dissertation University College London 2012) 163.

²⁶⁶ Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished PhD dissertation Harvard University 2008).

²⁶⁷ David Shankland, *The Alevis in Turkey: the Emergence of a Secular Islamic Tradition* (Routledge 2003) 136.

²⁶⁸ Ali Yaman, *Alevilik & Bektaşilik Tarihi* (NoktaKitap 2007) 240-245.

²⁶⁹ Tözün Issa (ed), *Alevis in Europe: Voices of Migration, Culture and Identity* (Routledge 2016).

²⁷⁰ In my fieldwork, some Alevis told me that they do not have *musahip* but do have *kirve*.

Kirvelik is practiced wider than *musahiplik* for some Alevi communities.

²⁷¹ Besim Can Zırh, 'Becoming visible through migration: Understanding the relationships between the Alevi revival, Migration and Funerary Practices Through Europe and Turkey' (Unpublished PhD dissertation University College of London 2012) 161.

²⁷² Many of these families indeed obtain written documents, dating back to the 16th century. Through her research of these family archives, Karakaya finds the link between Alevi *ocak* organizations and *dedes* to *tekkes* in Kerbala, Iraq and underlines the intertwined relations between *asiret* and *ocak*.

claim as a fact. Even among *dede* families, tracing their origin to ‘Arabs’ is a disputed fact. Yet, this does not prevent them from asserting themselves as *dede* families. My fieldwork findings suggest that the reason why some families are *dede* families is not a concern to Alevis. Furthermore, *dede* families’ claim for this is generally accepted and already established.²⁷³ *Dede* have certain functions within *Ocak*. They guide a number of rituals. They also guide the community in their life in light of Alevi teachings, but are also guided by the community. According to Yaman, the *dede* is expected to act as a mentor, an educator and a role model for his followers.²⁷⁴ In this regard, the *dede* is also considered as “the state, the judge, and the teacher of Alevis”.²⁷⁵

These depictions about who the *dede* is may not be shared by all Alevis. Nonetheless, the distinctive feature of being a *dede* is to lead Alevi rituals. Most of them also play music and sing *deyiş/nefes* and are asked advice on all matters of life. They are expected to be someone from the *yol*, ‘path’, the Alevi way of doing things, going about in the world.

Cem ritual

Since one of the main demands of Alevis is the recognition of *cemevi* (house of *cem*) as a place of worship, *cem* can be considered as the main ritual. *Cem* simply means gathering. There are different types of *cem* rituals for different occasions: Abdal Musa *cem*, hizir *cem*, gorgu/ikrar *cem*, dar *cem*. While dar *cem* is conducted for funerals, Abdal Musa is performed whenever possible. *Cem* is always led by a *dede*, who calls ‘özünü dara çekmek’, meaning self-criticism in light of Alevi teaching. *Cem* mostly revolves around twelve performances, referred to as "12 services" that facilitate the ritual. For example, the ritual would begin with "cerağ / delil uyandırmak", which is performed by lighting candles. This is followed by *dede* giving *gülbang*, a culture-specific genre of speech, considered as Alevi prayer. However, music, poetry and dance dominate the ritual of *Cem*. Another culture-specific genre of speech is called *deyiş/nefes*- Alevi poetry. While some short sections of *deyiş/nefes* often circulate verbally in Alevi daily language, *deyiş/nefes* is sung in melodies

²⁷³ In my fieldwork observations and interviews, I haven’t encountered questioning *dede*’s lineage. The *dede* families and *ocak* formations seem to be acknowledged in time.

²⁷⁴ Ali Yaman, *Alevilik & Bektasilik Tarihi* (NoktaKitap 2007) 156.

²⁷⁵ Nedim Şahsüleymanoğlu, *Alevi Örgütlerinin Tarihsel Süreci* (İtalik 2001) 103.

through a stringed musical instrument, called bağlama. *Bağlama* is also called "telli Quran" (Quran with strings) to underline its importance for Alevi culture.²⁷⁶ *Bağlama* and *deyiş/nefes* are crucial elements of *cem* rituals together with *semah*, a culture-specific genre of dance. The *cem* concludes with the dede serving lokma, a food-sharing ritual.

Cem is considered to be the representation of the Assembly of Forty beings.²⁷⁷ This is the most well-known story of the Alevi traditions. It is a story of a dervish gathering to which Muhammad, the Prophet of Islam, is denied entry as the prophet, entering instead as an ordinary poor man. There are different accounts of *cem* ritual that vary on the details. The diversity of these accounts is contrary to religious doctrine which need to be reconciled to the revelation in religion. While different accounts vary on the details, I will convey a version from a recent research work.²⁷⁸ It is important to note that Alevi stories might be inconsistent or varied, unlike religious doctrines, which need to be reconciled to the revelation in religion.

The gathering of Forties includes women and men, as well as 12 Imams, who are known as 'Forties' (*Kırklar*), and it takes place when Muhammad is on his way back to earth after his meeting with God in heaven. Muhammad attempts to join the assembly as the prophet of God but is denied, and is then told by an angel to put his prophecy ring in the mouth of a lion, the guardian of the assembly. Although he does so, he is not allowed to enter until he presents himself as an ordinary man. When he enters and wants to be one of them, he is told that the Forty merges into one being and if one cuts his finger, each of them would feel it. Indeed, one of them cuts his finger and Muhammad witnesses the bleeding of the others' fingers. One drop also falls from the sky, which belongs to Salman-i Farisi, who had gone out to find food and comes back with a single grape. Muhammad is then asked to divide a grape into 40 pieces equally as a precondition of joining the assembly. God helps him to make a bucket of grape juice out of this single grape. When they all drink it, they "turn *Semah*" a form of dance performance. This is how Muhammad is finally accepted into the Assembly of Forty. When Muhammad returns from his journey, Ali gives his prophecy ring back to him, which is why Ali is also

²⁷⁶ Ali Yaman, *Alevilik & Bektasilik Tarihi* (NoktaKitap 2007).

²⁷⁷ Ibid.

²⁷⁸ Piri Er, *Zakir* (Serçeşme 2014) 25-32.

known as the Lion of God. This story is striking in terms of demonstrating the difference between Islamic and Alevi traditions and their respective views on the place of Muhammad.

As opposed to Muslims, who consider Muhammad as the prophet of God as a historical fact, Alevis seem indifferent to the veracity of this story. While some believe that it actually happened, some may be more doubtful as to its truth. There are also different versions of the above story. For example, in another version Muhammad squeezes the grape, which is enough for the Assembly to taste it, while in other versions, when Ali gives Muhammad's ring back, Muhammad tells Ali: "If I hadn't known you were born by a human, I would call you God". In some other versions, the Assembly rejects Muhammad, saying, "go and make your people do namaz (Islamic worship)".²⁷⁹ While these versions share a common view on the place of Muhammad in Alevi culture, they also demonstrate that there is no particular doctrinal belief that is grounded in the ritual of *cem*.

During my fieldwork, I was constantly told to look at *deyiş/nefes* in order to understand what Alevism is. *Deyiş/nefes* is Alevi poetry, where the Alevi way of going about in the world is expressed. This includes Alevi values such as the importance of consent, love between humans, the path to enlightenment and becoming insan-ı kamil, as well as the Alevi's difference from the Semitic understanding of life. Balagangadhara considers stories as units of learning and teaching in Indian culture.²⁸⁰ While describing the place of stories in Indian culture, he observes that there are stories for each and every situation. All reasons and explanations require stories. Analogically, I suggest that the variety of *deyiş/nefes* has a similar place in Alevi culture. Some of the participants suggested that the Alevi use *deyiş/nefes* to express any situation in life. This is also one of the findings of my fieldwork with Alevis. Another participant told me in an interview for my fieldwork, "when you have a question mark about something, you look at *deyiş/nefes*, like how the Sunni looks at the Quran, you would look at what Shah Hatayi [one of seven

²⁷⁹ Ibid.

²⁸⁰ S. N. Balagangadhara, ' "We Shall Not Cease from Exploring" An Invitation Disguised as a Position Paper Composed at the Behest of Arena for the Theme "Decolonizing Social Sciences"' (unpublished 1985), available at https://www.academia.edu/4214176/We_Shall_Not_Cease_from_Exploration (accessed 12 April 2020).

important bards] says about it." For example, the Alevi way of understanding God is described in Edip Harabi's *Vahdetname* in the following way:

Daha Allah ile cihan yok iken / Biz anı var edip ilan eyledik / Hak'a hiçbir layık mekan yok iken / Hanemize aldık mihman eyledik
Kendisinin ismi henüz yok idi / İsmi şöyle dursun cismi yok idi / Hiçbir kıyafeti resmi yok idi / Şekil verip tıpkı insan eyledik.²⁸¹

It is interpreted for the utmost importance given to the human being in Alevi culture. With reference to other sources²⁸², my translation of this *deyiş/nefes* would be the following:

While God and the world did not exist / we created and announced time / while there was no place for hak / we put it in our heart.
While it did not have a name / and not even a shape / without clothes and picture / we gave it a shape, just like a/the human.

This *deyiş/nefes* is often quoted on the issue of the existence of God or Alevism's link to Islam. For example, the lawyer who prepared the case of Sinan Işık, told me that he provided this *deyiş/nefes* to the ECtHR as evidence of Alevis' difference from Islam. Interestingly though, the ECtHR considered Alevism as an instance of Islam in its judgment.²⁸³

Deyiş/nefes can be classified innumerable, while most notable ones are tevhid, duaz-i imam, miraclama, shatiye and devriye. For example devriye describes the Alevi way of understanding the life and death circle and the migration of the soul.²⁸⁴ A well-known devriye, by Gufrani, exemplifies this:

"Bulut olup ağdığımı bilirim / Boran ile yağdığımı bilirim / Alt anadan doğduğumu bilirim / Kaç ebeden kaç soruldum kimbilir".²⁸⁵ Although translating without losing the meaning is difficult, it could be translated as: "I had known [myself] of raining as a cloud / I had known [myself] of thundering / I had known [myself] of born by 6 mothers / Who knows how many times I was nurtured by how many midwives".

Regarding interpretation of this *deyiş/nefes*, there is no consensus on how coming to this life again is imagined. Some Alevis consider that one can

²⁸¹ Dertli Divani, 'Edip Harabi- Vahdetname' (2015) May 20 Serçeşme Dergisi 18-22.

²⁸² Ibid.

²⁸³ see Chapter 5 for further information, *Sinan Işık v. Turkey* App no 21924/05 (ECtHR, 2 February 2010).

²⁸⁴ Dertli Divani, 'Sıdkı Baba – Devriye' (2015) July-August 22 Serçeşme Dergisi 30-32.

²⁸⁵ Turan Dursun, 'Devriye üzerine yazılar' (*Turan Dursun*, 9 Dec 2011), available at <https://www.turandursun.com/forumlar/archive/index.php/t-27075.html> (accessed 20 April 2018).

come to life as a desk or umbrella, many did not ‘know for sure’ what belief they should hold about it. Devriye is a good example to understand *hak* as energy circulating in life. Alevis see *hak* in everything in the universe, not solely in living things. This understanding of *hak* is embedded in the culture. Quoting from my memory with a dede in London, me and him left the *cemevi* in Ridley Road, walking to the bus station, it was raining. He did not have an umbrella, while I have a crook umbrella. When I was saying loud that umbrella is crook, he said ‘semsiyeyi gucendirmeyelim’, you find *hak* in semsiye too as in everything in cosmos.

Deyiş/nefes is composed infinitely, as many as circumstances in life. For example, one of the participants encountered a new genre called sefalama, while inquiring about a *deyiş/nefes* she had heard recently. However, learning through *deyiş/nefes* is not an obvious way of learning, according to the participants. The lyrics of *deyiş/nefes* also create a language specific to Alevis, which is called ‘the language of the path’. Most of the participants stated that although they began understanding their culture or what *deyiş/nefes* is actually saying at later stages of their lives, they had listened to *deyiş/nefes* since their childhood. For example, one of the participants shared her memory about devriye genre of *deyiş/nefes*, which expresses the life-death circle:

I did not know many things about the path [Alevi culture], I began at a later stage of my life [...] when I heard about devriye in mekteb-i irfan. I remember my grandma used to tell me a story when I was a child. It was about a child, who was born in a village, describing a place in the outskirts of the village very precisely and claiming to be living there previously. But the child is very small that he could not have gone to that place on his own. So a lot of things are actually coming up from my childhood, during these muhabbet gatherings now.

Alevi music travels to different places through regular visits of *dede*, *bağlama* players and bards. This provides a connection between scattered Alevi communities. This musical instrument bears great importance for the transmission of the culture, even in the midst of persecutions against the Alevi. For some, following the urbanisation of the Alevi, the culture survived through the *bağlama*, as the most important medium of Alevi gatherings. In these gatherings, as *nefes/deyiş* would be played along with *bağlama*, the entire experience generates an Alevi way of articulating memory. Indeed, I am often told that most Alevi families, even those who keep a low profile or are

assimilated, possess a *bağlama* at home. Even if no one would play, it is kept at home for occasional visitors who would play it. Indeed, those who identify themselves as 'not really Alevi, but atheist', underlined the role of Alevi music as their only tie to Alevism.

Alevi children are exposed to Alevi music at a very young age. Balagangadhara observes "If a child is exposed to stories at all levels of social construction [...] they are ingredients in the process of learning with others. Stories function as the units of learning process."²⁸⁶ As explained above, it might be suggested that *bağlama* and *deyiş/nefes* would have a similar role in the Alevi meta-learning mechanism. In parallel, Alevi children are usually encouraged by their families to play the *bağlama*. For example, one of the participants described how she used to watch her father playing *bağlama*, writing down whatever came out of his mouth or repeating whatever *deyiş/nefes* he sang in her childhood.

Moreover, most participants are of the opinion that in learning *deyiş/nefes*, *bağlama* is important since melody makes remembering easier. Rao suggests that acoustic performance - non-writing nurtures different abilities in individuals, instead of reading, it teaches active listening.²⁸⁷ Similarly, one of the participants explained that she had read the anthology of *deyiş/nefes*, as she had been advised to do in order to understand what Alevism is. However, she said she had not understood anything by merely reading the anthology. She emphasised that her way of learning was by listening and tuning in to *deyiş/nefes* along with *bağlama* and participating in performances at different Alevi gatherings. Some other participants also agreed that it is easy to memorise *deyiş/nefes* with the help of melodies.²⁸⁸

Another ability that Alevi music nurtures might be composing and improvising. Rao points out the role of improvisation and composition for articulating memory in Indian culture. During one of the discussions over introducing modern musical notes to *bağlama* playing, those who argue against

²⁸⁶ S. N. Balagangadhara, ' "We Shall Not Cease from Exploring" An Invitation Disguised as a Position Paper Composed at the Behest of Arena for the Theme "Decolonizing Social Sciences"' (unpublished 1985), available at https://www.academia.edu/4214176/We_Shall_Not_Cease_from_Exploration (accessed 12 April 2020).

²⁸⁷ D Venkat Rao, *Cultures of Memory in South Asia* (Springer 2014).

²⁸⁸ My fieldwork observations.

playing with notes expressed their worries that this might hamper the need of the *bağlama* player to improvise, as the player acts upon the entire atmosphere of the experience. It is interesting that someone supporting the inclusion of musical notes objected to this argument by pointing out that they are all Alevi in their roots, having listened to the *deyiş/nefes* since their childhood, and that if anyone wants to improvise, of course they would do so. This remark obliquely suggests that being an Alevi and growing up in the culture teaches one the ability to improvise.

One of the 12 services of the *cem* ritual is the *semah*, the Alevi dance. However, some participants disagreed with the notion that *semah* is only a dance; for them it is a way to reach *hak* and therefore stressed that it is a type of worship (*ibadet*). As with *deyiş/nefes*, the genres/types of *semah* are infinite. Every local Alevi community generates or modifies different *semah* genres. This is similar to what Rao calls 'genre defying genre' in order to explain the Indian cultural formations with reference to performances and the medium of the body to articulate memory.²⁸⁹ Similarly, I was told that the type of *semah* and even the execution of a particular type of *semah* might be constantly improvised, depending on the improvisation of the *bağlama* player, which is also called "aska gelmek" in the ritual. According to Rao, in the Indian context, "the most powerful material and tangible modes of articulating memory are speech and gesture".²⁹⁰ This makes memory something that is nurtured in the body of the being, brought forth in practices".²⁹¹ Similarly, for the Alevi, memory is something nurtured by and in the body and brought forth as practices through the medium of music, poetry and dance.

Pişmek - Acquiring experience as an Alevi with the Alevi meta-learning mechanism

"Pişmek" is a verb, which signifies acquiring the skills of being an Alevi. During my fieldwork, I noticed that it is the most common concept that emerged in reference to the cultural reproduction and identity construction of the Alevi. Being an Alevi, learning and teaching the Alevi culture have a strong emphasis on performances. One learns by performing, actively participating in

²⁸⁹ D Venkat Rao, *Cultures of Memory in South Asia* (Springer 2014) 60.

²⁹⁰ Ibid

²⁹¹ Ibid.

a ritual. In this regard, memory is also nurtured by the body. Secondly, performances should be acted out within the community. One can learn and live as a Muslim or Christian as an isolated individual. However, the Alevi needs a community for his/her very existence. Thus, the self is constructed within and is thus dependent on the community. All of the participants agree that one becomes an Alevi by "pişmek". This means one has to participate in the *muhabbet* and *cem* rituals and other performances in order to comprehend the Alevi culture. For example, one of the participants said that when he was asking questions about Alevism, his family used to tell him "you will understand when you participate". Another participant described how *deyiş/nefes* is composed out of the accumulation of cultural repertoire from experience. In this regard, it resembles what is called 'action-knowledge', that is, "to develop the ability of performing and improving actions".²⁹²

Tradition versus religion

With this structure of culture as explained above in mind, the controversy over the accorded resemblance of Alevism to Islam might stem from the prominent place of some Islamic figures within Alevi traditions, such as Ali and the twelve Imams. This analysis is especially useful to elucidate on the reasons why Alevism is constructed as an Islamic tradition, given the apparent elements of Islam occupying an important place in Alevi culture. Drawing on the above analysis of Alevi culture and the theoretical framework, one may infer that Kızılbaş/Alevis indeed embrace various figures into their tradition and the circulation of these figures is different from their meaning in Islam or Christianity. Unlike Islam, in Alevi traditions, there are multiple Ali figures, who lived in different eras. For instance, one of the participants decoded the *deyiş/nefes* "those who don't know me, should know me. Ali is me and I am Ali" by Pir Sultan Abdal, one of 7 great bards, as meaning that the participant wanted to proclaim himself as the Ali of his time. Another participant also underlined that both the Sunni and the Alevi refer to Ali; but they do so differently. Yet elements from Alevi culture that are packed as

²⁹² S.N. Balagangadhara, 'Comparative Anthropology and Action Sciences: An Essay on Knowing to Act and Acting to Know' (1987) 40 (2) *Philosophica* 77-107, 86.

religion, as formulated in Alevism, possibly as a belief system, syncretic religion or heterodox Islam, depend on who conceives (the conceiver).

3. 5. Sunnitization of the Ottoman Empire / Secularisation of Islam

The Kızılbaş²⁹³ were labelled and persecuted as heretics by the Ottomans following the Battle of Çaldıran in early 16th century.²⁹⁴ This thesis does not aim to scrutinise how the universalisation dynamic through secularisation played itself out in the history of Islam. As Balagangadhara also accepts that his account for the mechanism of conversion (effacing the otherness of the other) is abstract and his analysis of idolatry is based on Christianity.

The cultural plateau, which prepared the ground for the emergence of the Kızılbaş movement, is complex.²⁹⁵ Historians underscore the ambiguity of the religious beliefs of different communities in Anatolia (historical name for the Asian part of Turkey, where the Alevi lived). Kafadar suggests that although “the early Ottomans chose to retain several of their ‘shamanistic’ notions or, rather, to redefine them within a syncretistic understanding of Islam”, this presumably reflects a peculiar understanding of Islam adopted by the gazi warriors and dervishes, who were instrumental in gaining power in Anatolia.²⁹⁶ Kafadar problematises the use of Shamanism to address anything pre-Islamic and Turkish belief and suggests the term ‘metadoxy’ that is “beyond doxies in order to capture the religious complexity of medieval Anatolia.”²⁹⁷ Similar to Kafadar, some other scholars also note the difficulty of mapping the variety of cultural and religious practices of medieval Anatolia.²⁹⁸ For instance, Karamustafa emphasises the scarcity of information about different forms of religiosity in medieval Anatolia and the Islamisation of the region. Based on his research on Sufism, he notes the lack of Islamic theologians, emphasising instead that medieval Anatolia witnessed many Sufi

²⁹³ How the Alevi were named before 19th century.

²⁹⁴ During the 16th century Ottoman records inform us about Kızılbaş rebellions.

²⁹⁵ See the discussion about the religiosity of medieval Anatolia, in Chapter 3.5.

²⁹⁶ Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Univ of California Press 1995) 53.

²⁹⁷ Ibid 76.

²⁹⁸ Ahmet T Karamustafa, *God's Unruly Friends: Dervish Groups in the Islamic Later Middle Period 1200-1550* (University of Utah Press 1994); Selim Deringil, *The Well-protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire* (IB Tauris 1999).

and mystical movements.²⁹⁹ He states that “an exceptionally high number of dervish groups were in operation in Asia Minor and the Balkans during this time.”³⁰⁰

The time period that these scholars examine accounts for the Babai revolts, prior to the emergence of the Kızılbaş movement, the Babai being considered the ancestors of Alevis in the narrative of Alevism.³⁰¹ These dervish groups were known for their deviant practices and beliefs outside of Sharia and for their distinctive appearance such as shaven heads and eye brows, wandering almost naked, using hashish and playing musical instruments.³⁰² As such, they were at odds with the Sufi movements as well. For Karamustafa, it is imperative to consider the importance of veneration for the Prophet Mohammad’s family lineage, the concern to trace their lineage to the Prophet and the belief in saints,³⁰³ in order to understand the Islam that was practiced in Anatolia between the 13th and 16th centuries.³⁰⁴ What is interesting here is that he accounts for affiliations with Mohammad’s lineage and the place of evliyas in stories by assuming that these are indicators of belief in Islam, albeit ‘non-orthodox.’ Hence, he disregards the possibility of practices showing veneration to some common figures with Islam to fall outside of Islam. I argue that this disregard stems from the compulsion of ‘seeing’ practices as manifestations of beliefs which refer to *a* world view.

What all this historical analysis shows is that we do not have sufficient knowledge about the religiosity and religiousness of multiple movements in medieval Anatolia. In this regard, the scholars who associated the ‘ancestors’ of today’s Alevis, either those involved in Babai revolts or the Kızılbaş movement, with ‘metadoxy’, ‘shamanic’, ‘syncretic’ or ‘heterodox’, merely provide explanations on the presupposition that these traditions adhere to this or that religion. In this regard, they presuppose the existence of religion

²⁹⁹ Ahmet T Karamustafa, *Sufism: the Formative Period* (Edinburgh University 2007) 43.

³⁰⁰ Ahmet T Karamustafa, *God's Unruly Friends: Dervish Groups in the Islamic Later Middle Period 1200-1550* (University of Utah Press 1994) 65.

³⁰¹ The ECtHR also refers to persons affiliated with the Babai revolt, while accounting for Alevis’ ancestors in *Hasan and Eylem Zengin v. Turkey* App no: 1448/04 (ECtHR, 9 October 2007) para 8.

³⁰² Ahmet T Karamustafa, *God's Unruly Friends: Dervish Groups in the Islamic Later Middle Period 1200-1550* (University of Utah Press 1994) 76.

³⁰³ Karamustafa translates *evliya* as saint, throughout his book, see Ahmet T. Karamustafa, *Sufism: the Formative Period* (Edinburgh University 2007).

³⁰⁴ Karamustafa, *God's Unruly Friends: Dervish Groups in the Islamic Later Middle Period 1200-1550* (University of Utah Press 1994) 47.

and try to present explanations concerning its nature. This is similar to the quandary into which Balagangadhara inquired regarding the intellectual paradigm on religious studies in the sense that the *explanans* assume the veracity of their *explanandum*.³⁰⁵

Analogously speaking, the 15th century witnesses a similar dynamic between Christianity and Islam in terms of a battle against idolatry, which is explained in Chapter 2. While the Protestant Reformation paved the way for an anti-confessional movement that gradually considered true worship in terms of conscience and consequently in the private realm, I argue that Sunnitization of the Ottoman Empire gradually brought about a certain kind of secularisation by absorbing idolatrous traditions into Sufi brotherhoods, which also began around the 15th century. While the Ottoman Empire endorsed a process of Sunnitization, non-Islamic elements were appropriated into Sufi brotherhoods.

One of these Sufi brotherhoods is the Bektaşî order. The Bektaşî order was formed with the support of the Ottomans in the 13th Century following the Babai Uprising, which was a protest by Anatolian dervishes.³⁰⁶ Although it was not their sole aim, the Ottomans aimed to Islamise non-Muslims such as the Kızılbaş, paving the way for institutionalising the Bektaşî tradition.³⁰⁷ The Bektaşî order remained relatively immune from the Ottoman pressure due to the fact that the Janissaries, a major military unit of the Ottoman army, recognized Hacı Bektaş as their ‘pir’, or spiritual guide. Their affiliation with the Bektaşî dergah in Kirsehir is thus significant. Karamustafa argues that while some of these deviant dervish groups “ceased to exist as independent social collectivities”, “the Bektaşî dervish group was transformed into a full-fledged Sufi order”.³⁰⁸ The Bektaşî order is important for today’s Alevis. Indeed, the term ‘Alevi/Bektaşî’ has been gaining prominence both in literature

³⁰⁵ In addition to these explanatory accounts, some scholars, exemplified in the writings of Serif Mardin, use center and periphery, while the former is associated with scriptural (orthodox) Islam, the latter is considered ‘folk’ (heterodox) Islam. See Şerif Mardin, ‘Center-periphery Relations: A Key to Turkish Politics?’ (1973) *Daedalus* 169-190.

³⁰⁶ Irene Melikoff, *Uyur İdik Uyardılar, Alevilik-Bektaşilik Araştırmaları* (Demos 2009) 19-43.

³⁰⁷ Mehmet Bayrak, *Alevilik, Kürdoloji, Türkoloji Yazıları [1973-2009]* (OZ-GE 2009) 27-28.

³⁰⁸ Ahmet T Karamustafa, *Sufism: The Formative Period* (Edinburgh University 2007) 84.

and general discourse as well as in the politico-legal contexts on which this dissertation focuses, while ‘Kızılbaş/Alevi/Bektaşî’ is also used.³⁰⁹

The Bektaşî order was named after Hacı Bektaş, who is highly respected by today’s Alevis. Hacı Bektaş is believed to have migrated from Central Asia and to have been involved with the Babai Revolt.³¹⁰ According to Melikoff,

Hacı Bektaş was no theologian. He had not studied in the Medrese as did Mevlana Celaleddin Rumi, who was his contemporary. He was a mystic, born among the people who remained near to the people. Though he was a Muslim, he did not give up ancient practices and customs of Central Asia. He was a healer and thaumaturge. This is clearly seen from his hagiography, the *Vilayetname*. It tells us that Hacı Bektaş did not like to pray in mosque. He would climb a mountain with his *abdals*. [...] The dervishes used to light fires and dance around them, performing the sema, ecstatic dance.³¹¹

It is not clear what makes Hacı Bektaş a Muslim in Melikoff’s words, especially so when she adds that the tribes to which Hacı Bektaş was affiliated in Central Asia were not all Muslims yet, even though they had embraced Islam.³¹²

The Kızılbaş are considered ‘village Bektaşîs’ by Köprülü because of the similarities of beliefs and practices between Bektaşî and Kızılbaş.³¹³ Melikoff also suggests that despite being examples of religious syncretism at their early stages, Kızılbaş and Bektaşî were differentiated later on: the latter used to lead a sedentary life, while the former used to be nomadic or semi-nomadic. In this connection, she notes that the term Alevi took the place of Kızılbaş, because of the pejorative meaning of the latter.³¹⁴ The main

³⁰⁹ Yalçın Çakmak, İmran Gürtaş (eds), *Kızılbaşlık, Alevilik, Bektaşilik* (İletişim 2015), Abdulkadir Gölpınarlı, *Alevi Bektaşî Nefesleri* (İnkılâp 2004); Irene Melikoff, ‘Bektaşî/Kızılbaş: Historical Bipartition and its Consequences’, in Tord Olsson, Elisabeth Özdalga, Catharina Raudvere (eds), *Alevi Identity: Cultural, Religious and Social Perspectives* (Swedish Research Institute 1998); Ahmet Y Ocak, *Alevi ve Bektaşî İnançlarının İslam Öncesi Temelleri* (İletişim 2007).

³¹⁰ Irene Melikoff, *Uyur İdik Uyardılar, Alevilik-Bektaşilik Araştırmaları* ((Demos 2009) 52.

³¹¹ Irene Melikoff, ‘Bektaşî/Kızılbaş: Historical Bipartition and its Consequences’, in Tord Olsson, Elisabeth Özdalga, Catharina Raudvere (eds), *Alevi Identity: Cultural, Religious and Social Perspectives* (Swedish Research Institute 1998) 2.

³¹² Ibid.

³¹³ Ibid 6 and for its critic see Ayfer Karakaya-Stump, ‘Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia’ (Unpublished PhD Dissertation Harvard University 2008) 22, 128.

³¹⁴ Irene Melikoff, ‘Bektaşî/Kızılbaş: Historical Bipartition and its Consequences’, in Tord Olsson, Elisabeth Özdalga, Catharina Raudvere (eds), *Alevi Identity: Cultural, Religious and Social Perspectives* (Swedish Research Institute 1998) 6.

difference between the Bektaşî order and Kızılbaş/Alevi communities is the *ocak* structure, which is still presented as the reason why Alevism cannot be considered a Sufî tradition by Islamic theologians.³¹⁵ The initiation to a Sufî order like the Bektaşî order is open to all, while one can be born an Alevi and prefer to be initiated into his/her own *ocak* and its specific *dede* lineage.³¹⁶

Earlier in this thesis, I described the dynamic of religion and the concept of idolatry within a religion as well as the mechanism in which non-religious traditions are denied otherness and absorbed into religion as another religion (idolatry). I have elaborated this dynamic of religion through the example of the Protestant Reformation. Before analysing the transplantation of the above ideas emanating from Christian theology, I draw an analogy: the 15th century also marks a similar dynamic in the case of Islam, which will be described through the Ottomans' battle against idolatry and Kızılbaş. Today's Alevis, historically known as Kızılbaş, appeared in Ottoman records of the 15th century as heretics and fierce supporters of Shah Ismail, who led the Safavid Empire. According to the historian Karakaya, the Safavid dynasty was established as a Sufî order in Ardabil, Iran, in the 13th century, but it "transformed into a radical religio-political movement espousing features of what orthodox Muslims would call Shi'î ghuluww"³¹⁷ by the mid-15th century.³¹⁸ The Safavids were defeated by the Ottomans at the Battle of Çaldıran in 1514. This was the first military challenge that the Ottomans initiated against another Muslim empire, as noted by historians.

According to Kafadar, the debates among Ottoman scholars and statesmen concerning the correctness of some of the practices of their ancestors began later around the Safavid conflict.³¹⁹ Terzioğlu argues that Sunnitification had been a gradual process that reached its peak in the 16th century following

³¹⁵ Abdulkadir Gölpinarlı, *Türkiyede Mezhepler ve Tarikatler* (İnkilap 1997); Ekrem R Fığlalı, *İtikadi İslam Mezheplerine Giriş* (İzmir İlahiyat Fakültesi Yayınları 2007).

³¹⁶ Irene Melikoff, 'Bektaşî/Kızılbaş: Historical Bipartition and its Consequences', in Tord Olsson, Elisabeth Özdalga, Catharina Raudvere (eds), *Alevi Identity: Cultural, Religious and Social Perspectives* (Swedish Research Institute 1998) 6.

³¹⁷ See Christine Caldwell Ames, *Medieval Heresies* (Cambridge University Press 2015) 7 for a definition: "ghuluww- meaning exceeding limits or going too far - gets us precisely to that idea of tipping point at which acceptable difference becomes unacceptable."

³¹⁸ Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished PhD Dissertation Harvard University 2008) 172, 173.

³¹⁹ Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Univ of California Press 1995).

the Ottoman-Safavid conflict. Her research into this process draws attention to *ilmihals* as a genre of catechism. Her analysis of *ilmihals* reveals that although these catechisms of the early 15th century were more concerned with demarcating the boundary between Muslims and non-Muslims, later examples of the 17th century covered matters of Sunni-Shia differences, following the conflict with the Safavids. From the 16th century, *ilmihal* writers began emphasising the denominational factor: "In an effort to bring them to par, the *‘ilm-i hal* writers not only instructed their readers in what to believe, how to worship, and how to conduct themselves with other people, but also drafted long and detailed lists of beliefs, utterances and practices that would place them outside the circles of right-believing Muslims" against erroneous Islam.³²⁰ In other words, the necessity to draw the boundaries of the Sunni Muslim believers of the Ottoman Empire gained increasing importance. This boundary is drawn against the realm of idolatry or false worship. Similarly, De Roover's historical analysis of the Protestant Reformation points to the role of catechisms in Europe in consolidating the realm of true worship within Christianity.

3. 6. Tanzimat Reforms - Transplantation of Religious Toleration in the Ottoman Empire

The fact that the liberal model of religious toleration is based on Christian theology may pose an obstacle for its application, since, as explained above, this model is entrenched in Christian theological concepts for its intelligibility. Therefore, applying it in non-Christian contexts may bring unpredictable outcomes.

The Sunnitization of the Ottoman Empire had continued from the 15th century onwards.³²¹ The process also led to the emergence of different Sufi brotherhoods some of which absorbed 'deviant' dervish groups, like the

³²⁰ Derin Terzioğlu, 'Where 'İlm-i Hāl Meets Catechism: Islamic Manuals of Religious Instruction in the Ottoman Empire in the Age of Confessionalization' (2013) 220 (1) Past & Present 79-114.

³²¹ Despite this Sunnitization process, the difference between the Islam as endorsed by the Sublime Porte and that which was practiced in different parts of the Empire was maintained. Mardin for a division of Islam into a public Islam, that is based on cults and includes pre-Islamic elements of practice, and a high Islam that is followed by city dwellers, the palace and the ulema, based on the doctrinal interpretation of Islam. This split is often described in terms of folk Islam vs palace Islam or heterodox Islam vs orthodox Islam. See Şerif Mardin, 'Center-periphery Relations: A Key to Turkish Politics?' (1973) *Daedalus* 169-190.

Bektaşî Order, named after Hacı Bektaş, highly respected by Alevîs today. The place of religion in the general administrative set-up of the Ottoman Empire was complicated. Despite being referred to as ‘the millet system’, scholars argue that it was far from an established system, at least until the 18th century.³²² The millet system was based on the differentiation between Muslim and non-Muslim communities of the Empire. However, Bayır underlines the complexity of accommodating diversity based on pluralist legal systems in the Ottoman Empire that could not be reduced to a simplistic reading of the millet system as Muslim and non-Muslim communities.³²³ Rather, there was a complex diversity among these Muslim and non-Muslim communities that the Ottoman pluralist governance addressed in different ways at the local level.³²⁴ In this regard, instead of a center-periphery axis, a regional-individual differentiation based on a person’s occupation, place of residence and social status as well as religious affiliation would influence the laws that would be applicable. In this regard, evidence shows that religious affiliation was not the sole basis for accommodating diversity in the Ottoman Empire. Moreover, further research is needed to understand the legal status of communities like the Alevî, who were not clearly classified as falling either within Islam or outside it. Many Alevî writers claim that the Alevî would solve their problems among themselves, without recourse to the Ottoman legal apparatus.³²⁵ However, there is not sufficient research to substantiate Alevîs’ legal status in the Ottoman Empire.

The early 19th Century marks a series of reforms in the Ottoman Empire, known as Tanzimat. Tanzimat reforms not only introduced the idea of religious freedom and equality of all subjects of the Empire, but also limited the centuries-long practice of legally pluralistic systems of managing diversity. This Ottoman traditional system of governance that was summarised above began to be replaced by a transition of the Empire to a modern state inspired by developments in Europe. Thus, these 19th century reforms marked the end of this era and the beginning of efforts to centralise legal and governmental

³²² Bruce Masters, *Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism* (Cambridge University Press 2001) 61, 62.

³²³ Derya Bayır, *Minorities and Nationalism in Turkish Law* (Ashgate 2013) 23-38.

³²⁴ Ibid.

³²⁵ Nejat Birdoğan, *Alevîlik Anadolunun Gizli Kültürü* (İnkilap 2015); Ali Yaman, *Alevîlik & Bektasîlik Tarihi* (NoktaKitap 2007).

systems. The series of reforms were introduced by the Sublime Porte, with the proclamation of the Gülhane decree in 1839 that stipulated the equality of Muslim and non-Muslim subjects before the law. Hence it also marked the first official recognition of the principle of religious tolerance.

Tanzimat reforms were not introduced with a clear set of aims by the Sublime Porte to maintain an 'equal' governance of its subjects; rather it was an imposed politico-legal response to pressure by European powers regarding the perceived oppression of the non-Muslim subjects of the Ottoman Empire.³²⁶ Tanzimat was seen as an excuse to intervene in the protection of Christian subjects of the Empire and therefore led to increased missionary activity in different parts of the Empire.³²⁷ It is not clear to what extent this objective of providing protection for non-Muslims was achieved. For instance, in his book *Culture of Sectarianism*, Makdisi argues that sectarianism in Mount Lebanon was a modern construct that "emerged at the crossroads of Ottoman modernization, European colonization and local Lebanon order", by demonstrating the interplay between different communities of Mount Lebanon, who interacted with the European powers, different Christian missionaries and the centralising efforts of Ottoman rulers following the reforms of Tanzimat.³²⁸ In this connection, keeping in mind De Roover's analysis together with Makdisi's findings, it is possible to suggest that transplantation of religious toleration to the Ottoman Empire accentuated religion as the primary marker for identifying communities. Unlike the complex hierarchy and different affiliations in which the Millet system operated, a framework of religious toleration configured these multiple affiliations around religion and then offered itself as the framework for the accommodation of this 'religious' diversity.

³²⁶ Ussama Makdisi, *Culture of Sectarianism: Community, History, and Violence in Nineteenth-Century Ottoman Lebanon* (Univ of California Press 2000) 57.

³²⁷ Ibid.

³²⁸ Ibid. His book is focused on Lebanon but some observations might be relevant to the Empire in general.

3. 7. Christian Missionary Encounters with the Kızılbaş/Alevi

In support of the above argument, it is interesting to note that research into the religious roots of Kızılbaş/Alevi began with the work of Christian missionaries.³²⁹ The Tanzimat reforms provided a legal justification for Christian missionary activity, since it promulgated equal rights for non-Muslim communities and therefore marked a transition to a new system. Thus the missionaries and foreign representatives in the Empire perceived the reforms as justification for their activity and considered themselves as the inspectors of reforms and protectors of the Christian communities.³³⁰

The Kızılbaş had been a concern of the Ottoman rulers for centuries and they were considered heretics. However, there were no efforts made to find out exactly what the Kızılbaş believed in. In a way, there was a limited accommodation of the Kızılbaş, so long as they did not rebel against Ottoman rule, while the Kızılbaş lived in isolated geographical areas to avoid confrontation.³³¹ Missionaries noted the 'heterodox' nature of the Kızılbaş and their pagan traditions, which are, at times, similar to Islamic traditions and Christian traditions. Within this trajectory, Karakaya argues that:

Fascinated by their idiosyncratic beliefs and practices, the missionaries presumed that the Kızılbaş were most likely descendants of an ancient Christian stock, made Muslim through the force of the sword. They depicted the Kızılbaş sect as pseudo-Islamic and syncretistic, marked by heavy doses of Christian and pagan elements.³³²

Despite the confusion over the “roots” of the Kızılbaş/Alevi, it was clear that they had to be converted to the true path. However, this was not an easy task. A Protestant missionary from the American Board of Commissioners for Foreign Missions (ABCFM) asserts that: “The ‘Kuzzlebash’, presented as a subgroup of the Kurds, would however be pantheist; while they accepted Christ as divine, it does not mean too much since they accepted other religious figures and living beings, as well as parts

³²⁹ Markus Dressler, *Writing Religion: The Making of Turkish Alevi Islam* (Oxford University Press 2013) 34.

³³⁰ Selim Deringil, *The Well-protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire* (IB Tauris 1999).

³³¹ Celali Rebellions from late 16th till mid 17th century is also associated with the Kızılbaş. See Krisztina Kehl-Bodrogi, *Kızılbaş Aleviler* (Ayrıntı 2012).

³³² Ayfer Karakaya-Stump, 'Subjects of the Sultan, Disciples of the Shah: Formation and Transformation of the Kızılbaş/Alevi Communities in Ottoman Anatolia' (Unpublished DPhil dissertation Harvard University 2008) 8.

of nature, as divine”.³³³ Missionary memoirs also mention the difficulty of converting Kızılbaş-Alevi on the grounds that “their particular ideas of fate, pantheism, and the transmigration of souls make it difficult for them to grasp Christian doctrine”.³³⁴ Missionaries wanted to consider Kızılbaş as people of concern and were willing to call them to the Christian truth, as memoirs and reports indicate. However, the ambiguous religious status of Kızılbaş communities as heretics, but not Christians and not non-Muslims,³³⁵ in other words a status, which was not settled, raised the possibility of a conflict of interest with Ottoman rulers, because Christian missionary activity among Muslim communities was forbidden.³³⁶ Given this background, and despite their initial excitement about potential converts, missionaries were cautious about spreading God's word among the Kızılbaş. They wanted to avoid having trouble with Ottoman rulers, particularly because the Sublime Porte was not happy with missionary activity and kept it under surveillance. Hence, it did not take long for the missionaries to halt their interest in the Kızılbaş communities.

The missionaries' efforts to convert the Alevi also demonstrate the indifference of the Alevi to Christian doctrine.³³⁷ From the records of ABCFM, a letter from Mr. Herrick charged with missionary activity in Anatolia, dated 1865, noted that:

Some things are now clear. 1. These people were formerly, though nominally Mohammedans, really heathens; paying a respect amounting to worship to their chief Sheiks, and from time to time bowing idolatrously before wands cut from a certain tree, and kept in the houses of their Sheiks. But 2. their religious faith and customs had too little of substance and body to hold them firmly, and their faith in Mohammed and the Koran was, and was known to be, a mere lip confession. When, therefore, some dozen years ago, Armenian Protestant brethren brought them the gospel, they professed, whether in sincerity or with hope of advantage, to receive it; and ever since that time, some score or two of houses are known as Protestant; and they adhere to this profession, although they have suffered a great deal of persecution from other Koords. 3. They are now very timid and fearful. This timidity is so great, that one can make nothing of their talk while other Koords are present; for then they will avow precisely the same belief in

³³³ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013) 46.

³³⁴ Ibid 48.

³³⁵ For letters written by George Dunmore published in *Missionary Herald* between 1854-1857, see Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013) 38-42.

³³⁶ Ibid 42.

³³⁷ Ibid.

Mohammed and the Koran as in Jesus and the Gospel, and express almost entire indifference as to learning to read, or for instruction of any kind.³³⁸

The acceptance of Mohammad as well as Jesus by the Kızılbaş/Alevi was not considered enough for their conversion by the missionaries. As noted in Chapter 2, to have an explanatorily intelligible account of the cosmos and religion itself, in other words to have an epistemic approach to tradition, the ‘truth’ of religion’s claims carries the utmost importance and thus faith is required. However, Alevis do not consider other traditions as competing systems of belief with Alevism. Therefore, it might be suggested that the Kızılbaş/Alevi was blind to the proselytisation efforts of missionaries. Additionally, Karakaya notes that the missionaries gave up their interest in converting the Kızılbaş/Alevi in the early 20th Century due to political tensions with the Sublime Porte.

3. 8. Counter Missionary Activity – the Late Ottoman Period

Missionary activity gathered momentum during the 1880s and 1890s with British, American, Russian, and French missionaries operating in different areas of the Ottoman Empire. This increased missionary activity led to a situation in which, according to Jeremy Salt, “the relationship that developed between the missionaries and the Ottoman government was one of mutual suspicion and mutual dislike.”³³⁹ For instance, Deringil’s research of the Hamidian era after the Tanzimat reforms reveals that the Sublime Porte closely monitored missionary publications.³⁴⁰ Missionary activity to convert the Kızılbaş/Alevi prompted Ottoman rulers’ interest in the Kızılbaş/Alevi during the late 19th and early 20th centuries.

Sultan Abdulhamit II initiated counter-missionary activity based on the Hanefi school of Islam. This counter-missionary activity focused on

³³⁸ George Herrick, ‘Western Turkey - Letter from Mr. Herrick’ (1866) Volume 62 Missionary Herald 68-69, available at <https://babel.hathitrust.org/cgi/pt?id=nyp.33433068289077&view=1up&seq=85> (accessed 3 May 2020).

³³⁹ Selim Deringil, *The Well-protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire* (IB Tauris 1999) 114.

³⁴⁰ Ibid 125.

opening new schools and building new mosques to convert the nominal Muslims of the Empire who had been left to their own pagan practices.³⁴¹ In this vein, Deringil suggests that “an ideological war reminiscent of the late Cold War” between Islam and Christianity took place through missionary activities³⁴² since the Ottoman aims were similar to those of the missionaries, with respect to their method of schooling and conversion.³⁴³ The Sublime Porte sent agents to gather information about the Kızılbaş communities. The first reports of the Hamidian era reported that the Kızılbaş might refer to themselves as Muslims, but that this should not be respected as they had no relation to Islam and were indeed pagans.³⁴⁴ According to an imperial order of 1890, catechisms (*ilmihal*) and Imams were sent to Kızılbaş communities to convert them to Islam.³⁴⁵

This counter-missionary activity was also part of promoting Ottomanism blended with pan-Islamism as a policy for the Empire’s survival in an age of rising nationalist movements.³⁴⁶ The Ottomans were increasingly losing territory with the Russian threat in eastern Anatolia. Nationalist movements sparked riots that ended up in further loss of territory in the Balkans. Against nationalist sentiments, the Sublime Porte tried to propagate the idea of Ottomanism, blended with Pan-Islamism.³⁴⁷ Insecurity in eastern Anatolia, where Armenian communities threatened an alliance with Russia, increased the importance of the Kızılbaş for the Sublime Porte. In this regard, the first reports of the Hamidian era also emphasised the risk that went with the close connection between Kızılbaş and Armenian communities.³⁴⁸ Based on Alandagli’s research, one of these reports indeed stated that the Kızılbaş were only nominally Muslim and in reality were no different from the

³⁴¹ Ibid 115; Murat Alandağlı, ‘Kızılbaşlara Dair İki Rapor’ in Yalçın Çakmak, İmran Gürtaş (eds), *Kızılbaşlık, Alevilik, Bektaşilik* (İletisim 2015) 223.

³⁴² Selim Deringil, *The Well-protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire* (IB Tauris 1999) 133.

³⁴³ Ibid 132.

³⁴⁴ Alişan Akpınar, ‘II. Abdulhamit Donemi Devlet Zihniyetinin Alevi Algısı’ in Yalçın Çakmak, İmran Gürtaş (eds), *Kızılbaşlık, Alevilik, Bektaşilik* (İletisim 2015) 219.

³⁴⁵ Murat Alandağlı, ‘Kızılbaşlara Dair İki Rapor’ in Yalçın Çakmak, İmran Gürtaş (eds), *Kızılbaşlık, Alevilik, Bektaşilik* (İletisim 2015) 230.

³⁴⁶ Selim Deringil, *The Well-protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire* (IB Tauris 1999).

³⁴⁷ Alişan Akpınar, ‘II. Abdulhamit Dönemi Devlet Zihniyetinin Alevi Algısı’ in Yalçın Çakmak, İmran Gürtaş (eds), *Kızılbaşlık, Alevilik, Bektaşilik* (İletisim 2015) 217.

³⁴⁸ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013) 52-53.

Armenians.³⁴⁹ In this connection, Alandağlı argues that the Kızılbaş were labelled as an unreliable group, who might well support the Armenians against the Ottomans.³⁵⁰ Notably, the Kızılbaş had been considered unreliable by Ottoman rulers ever since the Ottoman-Safavid conflict and, in this sense at least, the reports of the 19th century in connection to the Armenian issue reproduced an older epithet.

From the perspective of Islamic theology – tariqa or mezhep?

From the perspective of Islamic theology, Alevism is a displaced phenomenon. The most relevant terms applied to Alevis are mezhep or tariqa. Indeed, the recent claims made about Alevism/Bektaşism by CEM in the ECtHR case of *Dogan v Turkey* represents it as a Sufi tariqa.³⁵¹ Mezhep means the road to be taken in Arabic, referring to a school of law in Islam.³⁵² According to Gölpınarlı, different mezheps are united in certain faith requirements but differ in minor aspects. To illustrate, fasting during Ramadan is one of the main faith requirements and cannot be overridden by a mezhep.³⁵³ To remain within the fold of Islam, Imam Gazali listed the three requirements: faith in God Allah; his prophet Mohammad, books and angels; and belief in the afterlife.³⁵⁴ Gölpınarlı differentiates between knowledge as mezhep and wisdom as tariqa. In this regard, for him, while mezheps would differ in their understanding of what Sharia entails, tariqas would focus on the mystical aspects of Islam (*tasavvuf*) as ways that help believers to reach God.³⁵⁵

Regarding the place of Alevism within Islamic theology, Gölpınarlı considers Bektaşism to be a tariqa, but not Alevism. From the perspective of Islamic theology, Alevism cannot be considered as a tariqa because there is no initiation to be an Alevi: one is born into being an Alevi.³⁵⁶ There is also the issue of excommunication (*düşkünlik*) if anyone marries a non-Alevi

³⁴⁹ Murat Alandağlı, 'Kızılbaşlara Dair İki Rapor' in Yalçın Çakmak, İmran Gürtaş (eds), *Kızılbaşlık, Alevilik, Bektaşılık* (İletisim 2015) 234.

³⁵⁰ Ibid 222.

³⁵¹ *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016).

³⁵² Abdulkadir Gölpınarlı, *Türkiyede Mezhepler ve Tarikatlar* (İnkilap 1997).

³⁵³ Ibid 22.

³⁵⁴ Ekrem R Fırlı, *İtikadi İslam Mezheplerine Giriş* (İzmir İlahiyat Fakültesi Yayınları 2007) 68; also see five pillars of Islam in Samir Abuznaid, 'Islam and management: What can be learned?' (2006) 48(1) Thunderbird International Business Review 125-139.

³⁵⁵ Abdulkadir Gölpınarlı, *Türkiyede Mezhepler ve Tarikatlar* (İnkilap 1997) 185-186.

³⁵⁶ Ibid.

according to the tradition. As opposed to this structure, *tariqas* gain members through initiation ceremonies, as one becomes a Bektaşî after initiation. In Alevism one's spiritual guide is a *dede*, who is considered to be a descendant of Mohammad, the source of his charisma. Whereas in a *tariqa*, one follows a clear hierarchical order to reach certain spiritual positions and to attract students in turn. Similarly, a *dede* cannot choose his lineage and thus which Alevi communities to guide because this is predetermined according to his *ocak* affiliation. In a *tariqa*, followers are free to subscribe to the spiritual guide (*baba*) they prefer. A Bektaşî can choose his/her spiritual guide, whereas an Alevi youth cannot choose which *dede* to subscribe to.³⁵⁷ Similarly, another theologian Kaplan underlines this difference between Bektaşism with its own *tariqa* rules such as initiation, and Alevism, as an umbrella term that emerged in the 19th century, which historically refers to the Kızılbaş communities.³⁵⁸

Despite these differences, the similarities between Bektaşî and Alevi rituals and practices are striking. Gölpınarlı considers that both of them stem from the Hutuvvet current of mystic Islam. In this vein, trying to reconcile Alevi traditions with Islamic theology, Gölpınarlı argues that Alevism can neither be a *mezhep* due to a lack of distinguished theology, nor a *tariqa* because of its different structural system known as *ocak*. Therefore he refers to Alevism as 'a social *mezhep*' or indeed 'a social religion'.³⁵⁹ Similarly, another theologian, Fıġlalı, suggests that given human nature, different Muslim communities continued carrying the imprints of their culture so long as it did not contradict Islam and "painted these elements with the paint of Islam and gave a new shape; that is to say they muslimize [these elements]."³⁶⁰ According to him, Alevis are perfect examples of this phenomenon. In parallel, he continues, Alevis are proper Muslims who retained some of their pre-Islamic practices with a syncretic mind.³⁶¹ While Fıġlalı claims that these 'pre-Islamic' practices were islamised, he presumes that Alevis are Muslims with an incomplete conversion process.

According to Kaplan, whose book was published and awarded for

³⁵⁷ Abdulkadir Gölpınarlı, *Alevi Bektaşî Nefesleri* (İnkilap 2004) 4; Abdulkadir Gölpınarlı, *Türkiyede Mezhepler ve Tarikatlar* (İnkilap 1997) 271.

³⁵⁸ Doġan Kaplan, *Yazılı Kaynaklarına Göre Alevilik* (Türkiye Diyanet Vakfı Yayınları 2012) 39.

³⁵⁹ Abdulkadir Gölpınarlı, *Alevi Bektaşî Nefesleri* (İnkilap 2004) 5.

³⁶⁰ Ekrem R Fıġlalı, *İtikadi İslam Mezheplerine Giriş* (İzmir İlahiyat Fakültesi Yayınları 2007) 80.

³⁶¹ Ibid 81.

Islamic Studies by the Diyanet in 2010, the Kızılbaş movement was founded during the Ottoman-Safavid conflict as a *tariqa* that emphasised the twelve imams and love of the Prophet's family (*Ehl-i beyt*). However, they were alienated both by the Ottomans for their rebelliousness and by the Safavids, who declared Twelve Imam Shiism as the state religion and who were furthermore defeated by the Ottomans and thus did not maintain contact with the Kızılbaş. As a result, the Kızılbaş lived in isolated areas of Anatolia and were hence 'left on their own' to practice folk Islam. Eventually they lost their *tariqa* structure. Those who left these isolated areas and migrated to urban areas became Bektāşis. This account implies that Alevism is a form of degenerated *tariqa*. From the perspective of Islamic theology, Alevism bears scrutiny only as a deviant *tariqa*, which needs to be corrected. In this connection, as will be discussed in Chapter 4.2 on Diyanet, Alevis' recognition demands for *cemevi* as the Alevi place of worship has to be denied, since the Islamic theology does not accept any place of worship other than the mosque. Thus, under the rubric of heterodox Islam, they ought to be corrected from the perspective of Islamic theology. Additionally, from this point of view, it would be difficult to consider a place where music is played and dance is performed as a place of worship. The section below discusses the 19th century, when Alevism began to be seen as the religion of diverse Kızılbaş communities with the work of missionaries and was taken up by Ottoman statesmen, before the foundation of the Turkish Republic.

3. 9. The Committee of Union and Progress, Turkish Nation-building and the Kızılbaş/Alevis

The reign of Abdulhamit II came to an end with the Young Turk Revolution at the turn of the 20th century (1908), which restored the first Ottoman constitution dating from 1878. The Committee of Union and Progress (CUP), founded by the Young Turks, governed the Empire until the end of the First World War. During this time, the Young Turks, who received education in Europe and were influenced by the Enlightenment (ie. Positivism), were concerned with formulating novel ways to ensure the social cohesion of diverse communities of the Empire. However, the period in which they were

in power brought about increasing communal violence and the CUP's violent repression.³⁶²

During the reign of Abdulhamit II, the war with Russia and loss of territories in Europe had changed the demographics of Anatolia in favour of ethnic Turks for the first time. During the CUP period, the Balkan Wars (1912-1914) traumatised the minds of the Ottoman rulers due to the enormous number of Muslim refugees flooding into Anatolia.³⁶³ The devastating failure and losses of territory in the Balkan Wars prompted an ideological shift from Ottomanism to Turkism. According to Berkes, the CUP “no longer meant the union of its various ethnic elements, but the unification of the Turks”.³⁶⁴ Similarly, Dressler emphasises how, following the Balkan Wars, the publications of CUP affiliates increasingly focused upon Turkish nationalism and suggests this period as “a crucial phase in the sorting out of the respective plausibilities of political projects organized around notions of constitutional citizenship (Ottomanism), ethno-religious nationalism (Turkism), and religious communalism (Islamism)”.³⁶⁵

At the turn of the 20th century, therefore, the CUP commissioned a mission to eastern Anatolia to gather information about the population, initially aimed at demographic engineering in the region in favour of Muslims to prevent the alliance of non-Muslim Armenians with Russia.³⁶⁶ Thus, collecting information on the Kızılbaş communities was part of a larger social engineering plan. Baha Said, who was commissioned to gather information on the Kızılbaş communities, began publishing his findings in 1918.³⁶⁷ For him, since the Kızılbaş worshipped in the Turkish language, “Bektaşism and Kızılbaşism were the two currents who would still follow the old Turkish religion, described as natural religion dedicated to the ideal of “earth is my mother, heaven my father.””³⁶⁸ He further considered the Kızılbaş and

³⁶² Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013).

³⁶³ Kemal H Karpat, *Kısa Türkiye Tarihi, 1800-2012* (Timaş 2012).

³⁶⁴ Niyazi Berkes, *The Development of Secularism in Turkey* (McGill-Queen's Press 1964) 335.

³⁶⁵ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013) 95.

³⁶⁶ Ibid 126; Ceren Lord, ‘Between Islam and the Nation; Nation-building, the Ulama and Alevi Identity in Turkey’ (2017) 23(1) *Nations and Nationalism* 48-67, 53.

³⁶⁷ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013) 129.

³⁶⁸ Baha Said, *Anadoluda İctimai Zümreler ve Anadolu İctimiyatı* (first published 1918, compiled by İsmail Görkem, İstanbul 2006) 121-122.

Bektaşis as having “lived a national existence and understood religion within a national life and consciousness.”³⁶⁹ From this perspective, the late Ottoman statesmen considered peculiar Alevi beliefs and practices as the heritage of Shamanic Turks, whose roots were traced back to Central Asia. Therefore, Dressler finds the ideal and practical role of religion in the formation of Turkish Nationalism as imperative to understand how the new concept of Alevism was founded.³⁷⁰ For him, “the ‘discovery’ of the Kızılbaş/Alevis as a community of national importance took place within the tumultuous period from the Young Turk Revolution in 1908 to the 1930s in the Turkish Republic, parallel to the formation of Turkish nationalism.”³⁷¹ He suggests that “toward the end of the First World War, when the Ottomans were put under extreme pressure by the Allied forces, who wanted to change the balance of political power in favour of non-Muslims, the various religious groups at the margins of Islam became a subject of increased interest for the Turkish nationalists, who endeavoured to combine forces against non-Muslim aspirations in the region”³⁷². In this vein, for Baha Said, the Kızılbaş were important as they revealed the original Turkish culture. Putting the emphasis on culture rather than religion, he could attribute Kızılbaş and Bektaşî difference to ancient Turkish shamanism.

The ideological shift from Ottomanism to building Turkish nationalism at a time of confusion during the transition from the Ottoman Empire to an unclear system of governance, which was declared a republic in 1923, brought about different dynamics. While the Young Turks had received Western education and were influenced especially by positivism, they carried the heritage of Islam. Not much effort was put into the evaluation of the Kızılbaş from the perspective of Islamic theology. For example, a contemporary to Baha Said, Habil Adem reported on the Kızılbaş as an Islamic sect, while underlining the numerous differences between the religion of Kızılbaş and Islam.³⁷³ Keeping in mind the theological perspectives on

³⁶⁹ Baha Said, ‘Tasavvuf ve Hür Mezhepler’ in İsmail Gökem (first published 1919, compiled by İsmail Gökem) *Türkiye’de Alevi-Bektaşî, Ahi ve Nusayri Zümreleri*, (İstanbul 2006) 104-106, 106.

³⁷⁰ Markus Dressler, *Writing Religion: the Making of Turkish Alevi Islam* (Oxford University Press 2013) 78.

³⁷¹ Ibid 98.

³⁷² Ibid 133.

³⁷³ Ibid 135.

Kızılbaş communities, discussed above, Turkish nationalism might bring about a certain degree of secularisation of Islam. Turkish nationalist discourse has tried to absorb Kızılbaş elements into Islam by linking them to the Turkish nationhood, while the explicit differences of Kızılbaş communities, such as their differences from Islam, were effaced (effacing the otherness of the other) through this link to pre-Islamic Turkish heritage. In the Turkish republic, this tension has never disappeared, and will be discussed in the following chapter.³⁷⁴

3. 10. Conclusion

At the beginning of this chapter I presented examples from explanatory theories on Alevism that presuppose the existence of religion in Alevi culture and then try to explain what kind of religion Alevism is, as an instance of syncretic religion or heterodoxy. I discussed that these accounts on Alevism erroneously establish the link between *explanans* and *explanandum*: they presuppose the existence of religion and then provide explanations for what kind of religious construct Alevism is. Following this section, I applied Balagangadhara's theory of religion to examine religion in Alevi traditions. The analysis of claims over rivalry, religious doctrine and the relationship of God to humanity with respect to Alevi culture suggested that religion is not a property of Alevi culture, in light of Balagangadhara's theory. In response, I presented my fieldwork observations about the resources of Alevi culture and suggested that *deyiş/nefes* genre of Alevi poetry, which is practiced in *muhabbet* rituals along with music and dance, might be providing a certain configuration of learning for Alevis, which needs further research. However, the predominance of performative actions strengthens my argument for lack of religion in Alevi culture.

In the second half of this Chapter, I focused on the transformation of Alevi traditions into a variant of religion, which will be examined further in

³⁷⁴ For a similar point about the ideological continuity between the CUP and the founders of Turkish Republic see Bayır, arguing "Osmanlinin son dönemlerinde farklılıkların yönetilmesi konusunda ortaya çıkan hukuki düzenlemeler, politikalar ve fikirler ileriki bölümlerde göreceğimiz gibi yeni Türkiye devleti tarafından miras alınacaktır." Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017) 86.

Part II how legal and political contexts give a certain direction to. In light of the theoretical framework set out in Chapter 2, I highlighted possible universalisation of Islam in the form of Sufi/tariqa structures and provided a brief historical account on the Kızılbaş/Alevi communities' links to one of these tariqa structures; the Bektaşî order. Although not extensive due to the scope of this dissertation, I provided a historical account on the Kızılbaş, as ancestors of today's Alevi and their positioning in the Ottoman Empire. This account provided the ground for 19th century developments for the birth of Alevism, which we will see the shape it has been taking since then in Part II. In this regard, the Chapter ended with analysing the transplantation of religious tolerance onto the Ottoman context and the emergence of the new concept of Alevism by the CUP leaders as instrumental in the formation of Turkish nationalism.

The transplantation of norms of the above-explained framework to Turkey began during the last century of the Ottoman Empire. The Tanzimat reforms marked a turn in Ottoman governance from the millet system to an ambiguous structure. I introduced the main features of these reforms such as politico-legal centralisation efforts and their ambiguity and duality in institutions, and then Christian missionary activity and counter missionary activity of the Sublime Porte with a focus on Kızılbaş/ Alevi. I suggest that transplantation of the idea of religious toleration seems to require bolder boundaries of communities along religious lines. Also, implicit in the idea of religious toleration is the existence of religion in every culture. Therefore, the framework of religious freedom requires communities to take the shape of a religious community. As mentioned in Chapter 2, the violence that minority communities face today is often framed as though religious tolerance is the ultimate solution without a deep understanding on the multiple faces of this violence.³⁷⁵ Bearing in mind De Roover's analysis, this outcome might be attributed to the necessity that the theological framework on which the principle of religious toleration requires first to demarcate what lies within the realm of religious. The tendency to consider Kızılbaş/Alevi within the realm of the religious (true or false) and the desire of both Christian and Muslim

³⁷⁵ Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter G Danchin (eds), *Politics of Religious Freedom* (University of Chicago Press 2015) 3-5.

missionaries to categorise them do indeed support De Roover's finding that the framework of religious toleration compels communities to take the form of a religious community and that therefore there is a certain intolerance embedded within it.

PART I – CONCLUDING REMARKS

This thesis is divided into two Parts. Before moving to Part II, I summarise the points of my analysis in Part I that are relevant for my analysis of three politico-legal contexts in Part II. In Chapter 2, I criticised the critical socio-legal studies that examine the law's handling of religion and religious freedom at meta level for considering religion as cultural universal by adopting genealogical approach, which studies religions as constructs. Later, I introduced De Roover's secularisation thesis, that argues the interdependency of Christian theological ideas to the political theories on religious toleration and secular state. More specifically, the idea of toleration is grounded on the belief that it is the moral duty of a Christian to tolerate people's religion because the salvation comes through the free work of the Holy Spirit, which also provides basis for considering religion as a matter of conscience in private realm. Moreover, these ideas as well as the political theory on accommodation of religion presume that every culture have their own religion. This theoretical framework places religion as the foremost medium to articulate differences.

As I elaborated through Balagangadhara's theory of religion, religion is not the property of every culture. Indeed, religion is a specific account which is provided by three religions; Judaism, Christianity and Islam. Two doctrines shared by these religions do not allow for the existence of societies without religion. These are: God implanted the need to believe in him in the hearts of humans and that we were all Noah's sons once upon a time. As their theology does not allow for existence of societies without religion, religious societies seek religion in others. This triggers transformation of some traditions into a variant of religion, albeit false. It is false because these traditions do not provide an account that is peculiar to religion. What is distinctive of these traditions is their ritualistic culture where performance of rituals is grounded on generational practice and not on God's premise and doctrines as in religion. Where belief takes precedence in the account religion provides, tradition does not need a specific belief to be guided. However, in

post-Reformation Europe, as mentioned above, religious toleration entailed Christians to tolerate these false religions once the idea that it is the moral duty of a Christian to tolerate has been secularised as a constitutive element of political theory. This development paved the way for the formation of traditions that previously seen as false religions, into religion. Although explicit reference to their falsity dropped off, implicitly these traditions remain false because they were obliged to fit in a framework that is not theirs.

Setting the above explained theoretical framework in Chapter 2, I turned my analysis of Alevis in Chapter 3. While in the first half of Chapter 3, I examined Alevi traditions in terms of the constitutive elements of religion and found that Alevis do not seem to have a religion, according to the Balagangadhara's theory of religion. I further supported my finding through my analysis of the predominance place that rituals take in Alevi culture. In addition, I provided an historical analysis that questions the religious affiliations in medieval Anatolia. My analysis reveals that the presumptions on Alevis' ties to Islam and Central Asia have not scientifically proven. This further supports my argument on Alevis lacking a religion. In the second half of Chapter 3, I focused on how Alevism became an identifier as Alevis' religion in the late 19th century. This process, I argue, was triggered by the missionary activity after the Tanzimat reforms introduced religious toleration in the Ottoman Empire. The Christian missionary activity to discover Alevis' religion was followed by the Ottoman's missionary activity that aimed at converting Kızılbaş into proper Muslims. In the last phase of the Ottoman Empire, when the CUP formulated Turkish nationalism, Kızılbaş played an important role to provide an evidence for the historical link between Turkish nation and its acclaimed ancestors in Central Asia. In this way, the 'heretical' Alevi traditions were seen as the heritage of pre-Islamic Turkish culture. However, this formulation of Alevism brings in an anomaly to the Islamic doctrines, since Alevism cannot be considered as a mezhep for its lack of adherence in five pillars. Neither can it be considered as a Sufi order because of its initiation by birth, as opposed to the initiation by choice as in Sufi orders. Moreover, the historical accounts that provide explanation for Alevis' Central Asian roots are rebutted by recent historical studies as explained in Section 3.5. Nonetheless, in Chapter 4, I argue that the instrumentalization of Alevis in

Turkish nationalism has continued as well as the tension with the Islamic doctrines through the obstacles put by the Diyanet on Alevis' recognition demands. In Chapter 5, I argue that the ECtHR also subscribe to the now rebutted assumptions on Alevis' historical links to Central Asia, while entering in the inevitable debate on place of Alevism in Islam. In Chapter 6, I argue that the remote historical links with Bektaşî order and its moral framework become instrumental while presenting Alevism as a system of belief in the UK context.

The general conclusions that are drawn by my analysis of Alevi traditions in Chapter 3 are that Alevis do not have a religion, when Balagangadhara's theory of religion is applied. Instead, Alevi traditions correspond to a diverse set of rituals, practices, and beliefs such as *cem* rituals, *deyiş/nefes* poems, *ocak* structures, belief on migration of soul etc. Yet, Alevism gradually became an identifier as the religion of Alevis. This transformation was triggered by both by transplantation of European ideas on religious toleration and secular state and the formation of Turkish nationalism. In Part II, I discuss how Alevis also contributed in this transformation in order to adjust to the politico-legal systems that formulate Alevis' difference in terms of religion. In this connection, De Roover's secularisation thesis provides lens for my analysis of the politico-legal systems in Turkey, the UK and before the ECtHR. As will be seen in Chapter 4 on Turkey, where these theological ideas are absent, the transplantation of the idea of religious toleration and secular state resulted in a peculiar form of *laiklik* that use the meta-language of Islam and instrumentalise and control religion through the Diyanet – Directorate of Religious Affairs. In Chapter 5 on the ECtHR judgments relating to Alevi claims, the Court relies on a meta-language of Christianity that enables conceptualising Alevism as a denomination of Islam, equivalent to Sunni branch. In Chapter 6 on the UK context, the multicultural policies supporting faith communities encourage the Alevi movement to seek recognition as a faith community.

PART II -- ACCOMMODATION OF ALEVIS' DIFFERENCE

In the introduction, I underlined that this thesis answers its research questions in two parts. In Part I, Chapters 2 and 3, I lay out the framework to analyse the accommodation of Alevis' difference in Turkey, the UK and the ECtHR. In Chapter 2, I laid out the theoretical framework that informs my approach to the research question. I discussed the critical religious studies and studies critical of the freedom of religion in law. In Chapter 3, I explored the kind of difference Alevis have, through my application of Balagangadhara's theory of religion to the Alevi traditions. I then examined the process that triggered the formation of Alevism as a religion. The conceptual framework Balagangadhara provides helped me to analyse the differences between religion and tradition. I also introduced De Roover's secularisation thesis about the ideas of secular state and religious freedom that are the cornerstones of political and legal systems in Turkey, the UK and the ECtHR. In light of the theoretical framework that would help me to situate my analysis of Alevis' difference in Turkey, the UK and the ECtHR, in Part II, I scrutinise how these jurisdictions accommodate Alevis' difference.

CHAPTER 4 – ACCOMMODATION OF ALEVIS' DIFFERENCE IN TURKEY

4. 1. Introduction

I have made two points in Part I that are relevant for my analysis in Chapter 4: First I elaborated on how the ideas of secular state and religious freedom are derived from Christian theology and are dependent on this theology for their intelligibility. I also introduced the concept of secularisation in terms of the general acceptance of these theological ideas as facts about human beings and accommodation of differences. Second, I elaborated on the concept of idolatry as the third (though hidden) element that belongs with the religious and secular distinction. In this vein, I argued that the distinction made by a religion's theology between true worship, false worship (idolatry) and secular were transformed into truly religious, possibly religious and secular, a distinction that is still implicit in policies and laws. I explained the theoretical framework that makes the above points, through the example of transplantation of the principle of religious toleration in the Ottoman Empire and missionary activities with respect to Alevis during the 19th century. I underlined that the theoretical framework I use does not focus on the secularisation of Islam specifically but provides insights as – according to the theory of Balagangadhara – both Christianity and Islam are religions and therefore are anchored in a similar dynamic of secularisation and universalisation. Yet, the application of the principles derived from specific Christian theology in Turkey produces tensions, as discussed in Chapter 3.

In this Chapter, I first discuss how the transplantation of religious toleration and the secular state takes a peculiar form in Turkish *laiklik* (laicism) and then analyse the accommodation of Alevis' difference in Turkey. I develop my analysis in the following structure. I describe how secular law operates in Turkey. In connection, I discuss (4.2) the legal framework that was established with the foundation of the Republic of Turkey with respect to governing (religious) diversity and how it affected Alevi communities. The aim is not to provide a general history of *laiklik* in Turkey, but very specifically to look at

the laws and formation process of *laiklik* in relation to Alevis. Two laws that were promulgated by the Republicans are significant as the Government, Diyanet and courts continue to rely on these laws to refuse Alevis' demands for recognition. While Law no. 633 enabled the Turkish state to monitor and impose its own understanding of Islam through the establishment of the Diyanet, Law no. 677 prohibited the practice of Sufi brotherhoods, which included Alevis. In this respect, Law no. 677 introduced an alien division of religious and secular within the Alevi culture.

Subsequently, I discuss how this alien division led to a transformation of the Alevi culture and alienation of Alevis from their own traditions, as many were affiliated with leftist ideologies and subsequently abandoned their traditions, as they saw it, in the form of religion during the polarization of politics in Turkey from the 1960s until the 1980 Military Coup. The same group of Alevis who were affiliated with the leftist ideology prior to the 1980 Coup, eventually founded associations that advocate 'Alevi rights.' The Alevi Revival of the 1990s brought about a different transformation, which culminated in the emergence of a transnational Alevi movement that advocate for Alevism being a religion on its own in other European states which has influenced the Alevi movement in Turkey to make claims with respect to religious freedom. In the last few decades, we have witnessed the formation of a transnational Alevi movement that puts an increasing emphasis on claims to religion for the recognition of Alevism. I argue that this formation is closely linked to the framework that, as explained in Part I, compels communities to articulate their difference in terms of religion. This imposed framework was introduced with the Tanzimat Reforms during the Ottoman Era in late 19th century, as explained in Chapter 3 and consolidated with the formation of Turkish *laiklik*. While the dominant Islamic influence in the formation of *laiklik* has been trying to submerge Alevis into Islam as a 'cultural richness,' the European framework that was inserted in Turkish politico-legal system through Turkey's accession to the EU and the ECtHR cases, framed Alevis' difference as a matter of sectarian division between Alevis – 'non-Sunni Muslim community' and Sunnis. Although the European framework alleviates the pressure of assimilation on Alevis, it nonetheless remains limited insofar that Alevis' difference is transformed into a religious difference. Therefore, it

denies Alevis their experience of the world by imposing on them an unjustifiable framework which does not recognise their difference from religion.

The positioning of Alevis in response to these imposed frameworks took shape in formation of the transnational Alevi movement which gradually evolved into rights advocacy as a religious community as a response to the imposed framework. The two important areas where this advocacy has focused are religious education and the status of *cemevi*. Since the 1982 Constitution enacted religious education compulsory without opting out mechanism that Alevi parents can benefit, Alevi pupils are exposed to Islamic teaching, that was considered risking 'indoctrination' by the ECtHR in 2007 decision on the case of *Hasan and Eylem Zengin*. Despite the curriculum change since the ECtHR decision, the current curriculum has also been criticized. With regards to the status of *cemevi*, the assimilationist approach of the Turkish politico-legal system to submerge Alevis into Islam promoted by the Diyanet, the legal obstacles to construct cemevis as well as the generous benefits provided for the places of worship in the Turkish legal system has urged the Alevi movement to demand recognition for *cemevi* as a place of worship. Together with the positioning of the Diyanet, standing as an impediment in Alevis' success at courts, who seek the Diyanet's opinion on Alevism, the issue of compulsory religious education as well as the status of *cemevi* were discussed in an official dialogue with the Turkish state in 2009-2010 through a number of workshops, named "the Alevi Opening." None of the demands raised by the Alevi movement have been responded so far. I argue that this dialogue brings about a certain kind of violence by effacing the otherness of the Alevi and thus transforming Alevism into a variant of Islam.

4. 2. The Formation of Turkish *Laiklik*

The transition from the Ottoman Empire, where the Sultan was also the Caliph for five centuries, to a "secular" republic in a short period of time has been a transformative (if not traumatic) experience for the people of Turkey. On 29 October 1923 Turkey became a republic. The Caliphate was

abolished on 3 March 1924.³⁷⁶ On the same day, an education statute (*Tevhidi Tedrisat Kanunu*) aiming at a uniform and secular education system, was passed. Meanwhile, in the judicial arena, Sharia courts were abolished on 8 April 1924.³⁷⁷ Additionally, the Ministry of Sharia and Charitable Foundations (*Ser'iye ve Evkaf Vekaleti*) was abolished and replaced by the Diyanet. The Diyanet was attached to the office of the Prime Minister.³⁷⁸ The Diyanet was established according to Public Law no. 430 in order “to manage the administrative affairs of religion.”³⁷⁹ According to Berkes, “the department was to be an agency of public service rather than the supreme spiritual body of a religious community[...] issuing fatwas upon matters having legal implications was no longer possible.”³⁸⁰ Despite Berkes’ observation, the Diyanet evolved into a state legitimisation of religion, representing the Sunni way of Islam since its foundation, even though it was proclaimed as a ‘neutral’ institution by the state authorities. Thus, it has been a significant control mechanism over religion that the Republic introduced. Since its establishment, the Diyanet has gradually gained more economic, political and legal power.³⁸¹ Unlike Berkes’ prediction, the Diyanet issues fatwas, even in the most mundane matters of daily life.³⁸² This power of the Diyanet transforms it into an important interlocutor concerning the recognition demands of the Alevi movement, which will be examined in detail, further in this Chapter.

The founders of the Turkish Republic went further in their pursuit of intervening in the religion of society. Law no. 677 on the Closure of Dervish Monasteries and Tombs, the Abolition of the Office of Keeper of Tombs and the Abolition and Prohibition of Certain Titles (*Tekke ve Zaviyelerle Türbelerin Şeddine ve Türbedarlıklarla birtakım unvanların menî ve ilgası*) was promulgated in 1925.³⁸³ According to this law, dervish lodges (*tekke ve zaviye*) other than those used as mosques were closed, the tombs of sultans and saints

³⁷⁶ Niyazi Berkes, *The Development of Secularism in Turkey* (McGill-Queen's Press 1964) 457-460; Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017) 112.

³⁷⁷ Niyazi Berkes, *The Development of Secularism in Turkey* (McGill-Queen's Press 1964) 472.

³⁷⁸ Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017) 112.

³⁷⁹ Niyazi Berkes, *The Development of Secularism in Turkey* (McGill-Queen's Press 1964) 484.

³⁸⁰ Ibid 485.

³⁸¹ Erdoğan Aydın, *Kimlik Mücadelesinde Alevilik* (Kırmızı 2008) 346-349.

³⁸² For example, under the new legislation accepted in March 2010, according to No 633 law, Art 6 was amended and Diyanet is able to regulate the internet and publications on any matter of Islamic religion and is even able to recommend the closure of any website, provided that the website can be shown to include ‘false’ information.

³⁸³ Law no. 677, 13.11.1925.^[1]_{SEP}

were closed, and the ceremonies of these lodges were criminalised, while their properties were seized by the state.³⁸⁴ In November 1928, Article 2 of the Constitution stating that the Turkish state religion is Islam, was annulled.³⁸⁵ Nine years later, on February 5, 1937, *laikilik* was explicitly stated in Article 2 of the Constitution.³⁸⁶

Led by Mustafa Kemal Atatürk, the founder of the Republic of Turkey, the People's Republican Party (Cumhuriyetçi Halk Partisi, hereinafter CHP) ruled Turkey until the introduction of a multi-party system in 1950. The period of single party rule during which the above-mentioned laws were promulgated is known as the Kemalist regime. Zürcher describes Kemalist laicism in three aspects: the first aspect aimed at the secularisation of state, law and education as a result of abolishing the Caliphate (1924), deleting the phrase that the state religion is Islam from the constitution (1928) and promulgating the principle of secularism in the constitution (1937). The second aspect targeted religious symbols through the promulgation of the Hat Law (1925), shifting to the Latin alphabet (1928) and adoption of European measurements, calendar and time. The third aspect concerned secularising the public sphere and eliminating the influence of popular Islam on daily life through Law no. 677.³⁸⁷ However, the Sunni dervish lodge of Mevlana (Rumi) was allowed to remain open after its brief closure at the same time as the others, while Alevi

³⁸⁴ Law no. 677, 13.11.1925.^[1]^[SEP] The English translation here is extracted from *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016).

Section 1 of Law no. 677 of 30 November 1925 on the Closure of Dervish Monasteries and Tombs, the Abolition of the Office of Keeper of Tombs and the Abolition and Prohibition of Certain Titles reads as follows:

“Throughout the territories of the Turkish Republic, all tekkes and zaviyes (Dervish monasteries) established either as a foundation, or as the property of a sheikh or in any other way, shall be completely closed, subject to the owner's right of possession. Those which are still being used as mosques or prayer rooms in accordance with the statutory procedure shall remain operational. In particular, the use of certain religious titles such as Seyhlik, Dervichlik, Muritlik, Dedelik, Seyitlik, Celebilik, Babalık ... shall be prohibited. Throughout the territories of the Republic of Turkey, tombs belonging ... to a Sufi order (tarika) or used for purposes of interest, and other tombs, shall be closed Anyone who opens tekkes and zaviyes or tombs and begins carrying on these activities again, or anyone who provides religious premises, even temporarily, for Sufi practices and rituals, and who bears one of the above-mentioned titles or carries on the associated activities, shall be sentenced to a minimum term of imprisonment of three months and to a fine ...”

For Turkish version see:

https://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400677.pdf

³⁸⁵ Niyazi Berkes, *The Development of Secularism in Turkey* (McGill-Queen's Press 1964) 461.

³⁸⁶ Law no. 3115, 05.02.1937, amending the 1924 Constitution.^[1]^[SEP]

³⁸⁷ Erik J Zürcher, *Modernleşen Türkiye'nin Tarihi* (İletisim 1995) 186.

and Bektaşî dergahs were not.³⁸⁸ According to Bayır, despite the principle of secularism, “the state would reorganize public life with reference to Sunni-Hanefî Islam, adhered to mostly by the Turks in Turkey.”³⁸⁹ In this connection, she argues that secularism adversely affected Turkey’s diversity, as it resulted in “the elimination of traditional, religious and social structures, and substituting them with state-controlled organizations, while also removing traditional identities attached to the people’s religious beliefs.”³⁹⁰

Law no. 633 (establishment of the Diyanet) and Law no. 677, constitute the foundations of *laiklik* in Turkey. The establishment of the Diyanet and Law no. 677 enabled the Republicans to take full control over religion. For example, Mardin argues that although the state religion and the public religion were profoundly different, the Republicans aimed at eliminating this lack of integration by totally discarding ‘public religion’ that also included ‘heterodox’ groups.³⁹¹ The Government pursued a policy of assimilating public religion into state religion, which was Sunni Islam. Mardin points out that the Reformists’ stance of banning public manifestations of Islam is continuous with the stance taken by Şeyhul Islam (the highest religious authority in the Ottoman Empire).³⁹² For Mardin, the tension between folk Islam as practiced by the general populace and high Islam, which is doctrinal and endorsed by ulema (scholars of Islam) had been characteristic to the Ottoman Empire.³⁹³ Therefore, by banning public manifestations of Islam and by limiting the doctrinal realm of Islam through the establishment of the Diyanet, he argues, the early Republicans continued the Ottoman state tradition, despite their efforts to differentiate themselves from it.

³⁸⁸ Hülya Küçük, *The Role of Bektashi in Turkish National Struggle: A Historical and Critical Study* (Brill 2002).

³⁸⁹ Derya Bayır, *Minorities and nationalism in Turkish law* (Ashgate 2013) 111-112.

³⁹⁰ Ibid.

³⁹¹ Şerif Mardin, ‘Ideology and Religion in the Turkish Revolution’ (1971) 2(3) *International Journal of Middle East Studies* 197-211.

³⁹² Şerif Mardin, *Din ve İdeoloji* (İletisim 2010) 146.

³⁹³ Şerif Mardin, ‘Ideology and Religion in the Turkish Revolution’ (1971) 2(3) *International Journal of Middle East Studies* 197-211, 203 “[...] a division of Islam into a public Islam, that is based on cults and includes pre-Islamic elements of practice, and a high Islam that is followed by city dwellers, the palace and the ulema, based on the doctrinal interpretation of Islam. This split is often described in terms of folk Islam vs palace Islam or heterodox Islam vs orthodox Islam. Folk Islam was “institutionalized in the form of dervish orders” that “provided cultural services, functioned as a channel for social mobility, and took on responsibility for various forms of social assistance. Wherever the aloof state failed they moved in.”

Mardin's observation, however, is limited to examining the effects of these laws on the Alevi/Bektaşî communities, since, for him, both Sunni brotherhoods and Alevi/Bektaşî communities are included in the catch-all category of folk Islam. Also, this division of folk and high Islam (or heterodox and orthodox Islam) is not helpful to explain the differential treatment of Sufi brotherhoods and Alevi/Bektaşî communities by the state. By criminalising the use of titles associated with the Alevi traditions and closing their traditional lodges, Alevi practices were restricted. The importance of Law no. 677 is twofold: first, it declared the public manifestations of Islam as illegal. I argue that this banning of public manifestations of Islam stemmed from the Republicans' consideration that public manifestations of Islam were 'superstitious' and human additions to Islam and therefore constituted instances of false worship. The law implies that true worship would be a matter of conscience for Islam too. Similar to the Christian division between true worship and false worship, the Kemalist regime presented the type of Islam promoted by the Diyanet as true worship, while banning false worship.

In fact, late Ottoman statesmen had already been discussing and developing ways to reconcile ideas about the division of the realm of public and private religion and religion as a matter of conscience with the principles of Islam. The first generation of the Young Turks was also the first-generation Ottomans, who received a Western education and pushed the Sublime Porte to introduce the first constitution.³⁹⁴ Enlightenment ideas like positivism, secularism and liberalism were transplanted through their prism. The research on the mindset of this group suggests an effort to merge the idea of secularism and Islam.³⁹⁵ Publications produced by Young Turks discussed the issue of how to apply secularism to the Muslim Ottoman state.³⁹⁶ For example, Abdullah Cevdet was of the opinion that Islam was not an impediment to reform, but its wrong interpretation was.³⁹⁷ Two points are important about this discussion. These writers did not see any incompatibility between Islam and *laïcité*, while rejecting the validity of 'batıl itikat' (superstition). For Young

³⁹⁴ Şerif Mardin, *Continuity and Change in the Ideas of the Young Turks* (Yenisehir 1969).

³⁹⁵ Ibid; Nuray Mert, *Laiklik Tartışmasına Kavramsal Bir Bakış* (Baglam 1994).

³⁹⁶ Nuray Mert, *Laiklik Tartışmasına Kavramsal Bir Bakış* (Baglam 1994).

³⁹⁷ Ibid 66: "Abdullah Cevdet [...] İslam dininin ilerlemeye engel teşkil etmediğini, bu konuda yanlış kanıların nedeninin İslamın yanlış değerlendirilmesi olduğunu ciddi bir şekilde tartışmıştır."

Turks, Islam was compatible with *laïcité*; but its corruption by superstitions was the impediment for the diffusion of a laic system. Therefore, the superstition that pervaded society was separated from ‘pure’ Islam, which is based on true doctrine and reason and as such is fully consistent with the *laïcité* as practiced by France.

‘Pure’ Islam was also suggested to be a matter of conscience from the viewpoint of the Young Turks. This same dynamic continued to the second generation of the Young Turks, part of whom led to the movement that eventually founded the Republic of Turkey. Among the second-generation Young Turks that founded the Republic and shaped its ideology these tendencies are evident as well. For instance, Ziya Gökalp, known as the father of sociology in Turkey, formulated the idea of material (*maddi*) life and spiritual (*manevi*) life instead of the public-private distinction and argued that a person’s spiritual life is fed by two phenomena – nation and religion, with the latter belonging to the spiritual realm (*manevi*).³⁹⁸ Similarly, a follower of Gökalp, Halil Nimetullah, suggested that Islam is a matter of conscience if cleansed from superstition (*batıl itikat*).³⁹⁹ Another thinker, Kılıçzade, argued that it is not Islam that contradicts science, but superstitions. In this vein, since the Young Turks of early 20th century, the ruling elite tried to formulate Islam in terms of the theology of Christian Freedom, which is explained in Chapter 3. They tried to draw a clear distinction between true worship based on scriptures and false worship that is the human addition to religion, that is called ‘*batıl itikat*’ (superstition). Also, they argued for transplanting the division of public sphere and private sphere, which is based on the freedom of conscience, into an Islamic society. Yet, with the end of the single party period, this imposed structure of *laiklik* began to change to a structure where the realm of true Islam expanded along with the Diyanet’s functions, and practices of Sunni Islam were favoured, while Alevi practices were considered false worship.

The second aspect of Law no. 677 is that it dealt with the Alevi traditions as though they were of the same kind as the targeted public manifestations of Islam. In this respect, I argue that this law divided the Alevi culture into the realm of religious (Alevism) and the secular, a division alien to

³⁹⁸ Ibid 68.

³⁹⁹ Ibid 72.

the Alevi culture. Recalling the triad that secular law is grounded on, considering religion as a matter of truth and practices as embodying beliefs, the Alevi culture is transformed into a version of Islamic brotherhoods. As we will see below, this law has been the legal basis for rejecting Alevis' recognition claims in the history of Turkey. However, Alevis are blind to this consideration. They object to being considered as following a variant of Islam within the ambit of this law; but are not able to articulate their difference. The same issue surfaces again in Chapter 5 where I discuss the ECtHR's judgments. During the Alevi workshops initiated by the Turkish government, the only official dialogue between the Alevi movement and the Government in Turkey, Alevis frequently voiced this objection.⁴⁰⁰ Similarly, in the domestic proceedings as well as before the ECtHR in the case of *Dogan*, CEM objected to Alevism being considered as coming within the scope of Law no. 677 and insisted that that law aimed at fundamentalist brotherhoods.⁴⁰¹ However, while presenting Alevism as a Sufi tradition, CEM was not able to explain the difference between Alevis and the brotherhoods targeted by this law and emphasise their categorical difference to the Islamic brotherhoods.

Although Law no. 677 carries ostensibly similar implications both for public manifestations of Islam and Alevism, subsequent developments proved it to be to the disadvantage of Alevis. For example, the Sunni Dervish lodge of Mevlana was reopened in 1927, shortly after its closure under Law no. 677, while the Bektaşî dergah at Hacı Bektaş remained closed until 1964.⁴⁰² While the Mevlevî *dergah*'s management was left to Mevlevî *tariqa*, the Hacı Bektaş Dergah was reopened as a museum in 1964 and was not returned to its traditional owners, the Çelebi family. Indeed, Alevis vocalise their discomfort at visiting Hacı Bektaş as museum visitors, paying a fee and not being able to conduct *cem* rituals within the premises. During my fieldwork, I often heard Alevis complaining that at least they should be allowed to enter their heritage centre without paying a fee. In this regard, one of the claims of the Alevi movement is the return of the *dergah* to the Çelebi family. Additionally, the

⁴⁰⁰ Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), 'Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme' (HBVAK 2011).

⁴⁰¹ See the discussion for the case of *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016) in Chapter 5.8.

⁴⁰² Hülya Küçük, *The Role of Bektashi in Turkish National Struggle: A Historical and Critical Study* (Brill 2002).

Alevis I talked to complain that they should be allowed to conduct *cem* rituals in this *dergah*. Since it is a museum, conducting *cem* rituals inside is forbidden. However, I was also told by two Alevis on different occasions that they had managed to conduct *cem* rituals from late in the evening till morning by using personal contacts. No prosecution has been brought due to these sporadically conducted *cem* rituals. Their enthusiasm and excitement while conveying the story to me indicates the importance of this occasion for them.

The treatment of Mevlana's *dergah* and that of Hacı Bektas reveals the state's differential treatment of Sunni and Alevi *dergah*, despite the fact that both of them to be covered by the same Law no. 677. Moreover, some other *dergah* and tombs were reopened after 25 years of closure. In 1950, Law no. 677 was amended through Law no. 5566 (4 March 1950). This amendment provided for the reopening of those tombs that belonged to important Turkish figures and that have a high architectural value; but did not extend to the *dergah* of Alevi/Bektaşî. The preamble to Law no. 5566 states that it targets superstitions (*batıl itikat*) that are not related to the spirit of true religion (*'gerçek din ruhu ile alakası olmayan batıl itikatların'*).⁴⁰³

In this connection, Law no. 677 considered Alevism a superstition (*batıl itikat*) and prevented Alevis from practicing their tradition to a large extent by banning their *dergah* and criminalising the use of Alevi titles such as *dedelik*, *seyitlik*, *çelebîlik*, *babalık*. Furthermore, in 1949 an additional clause was added in Law no. 677 that introduced the sentence to exile of Alevi *dede* had they continued using the *dede* title.⁴⁰⁴ This addition to Law no. 677 was instrumental in dissolution of Alevi communal ties to *dede*. As mentioned in Chapter 3, each *dede* used to be responsible of certain Alevi groups and used to travel to conduct Alevi rituals among these Alevi groups that geographically lived in separate Alevi villages. The above-mentioned additional clause, however, was removed by Law no. 647 in 1965. Nonetheless, it is likely that this additional clause that criminalized using *dede* title with exile, had adversely affected the practice of Alevi culture during the 16 years that it was in effect. In my fieldwork, I was told that *dede* used to be detained during this period (post 1950s) at train stations and mistreated due to their appearance and

⁴⁰³ Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017) 175.

⁴⁰⁴ Ibid 176.

this made it very difficult for *dede* and *zakir* to travel between Alevi villages to conduct rituals. In fact, a *dede* told me that his grandfather used to complain that “Alevism died during the last 30-40 years”, when he was young in the 1980s, which corresponds to the 1950s onwards.

Furthermore, according to the Village Law that was promulgated in 1924, the mosque was declared as one of the main elements of a village, while the imam was a member of the village authority council.⁴⁰⁵ Law no. 442 has been criticised by the Alevi movement, which argued that the Law aimed to assimilate Alevis into Sunni Islam through the construction of mosques in Alevi villages.⁴⁰⁶ During my fieldwork, many Alevis, including *dede* and *zakir* who travel to villages in Anatolia for *muhabbet* and *cem* rituals, complained that the construction of mosques in Alevi villages is a sign of the state’s assimilationist policies because, in the course of time, Alevis begin going to mosques, maybe only for the *bayram* prayer (the eid), and then gradually attended mosques regularly. Bayır argues that the *laiklik* principle that claims to separate the public realm and private realm, is instrumentalised to eliminate the minority religions from the public sphere, while the supposedly neutral public sphere is used for promoting Sunni Islam as sponsored by the state.⁴⁰⁷ Indeed, the situation in the village as well as the developments subsequent to the introduction of the multi-party system, analysed below, support this argument.

In addition to the above-mentioned regulations over religion, the Turkish legal system does not offer any procedure for religious communities to gain legal personality. However, it is important to note that the status of minority is granted only to three communities: Greeks, Armenians and Jews. In 1923 when the newly established Turkish government signed the Lausanne Agreement that ended the war against the allies, the legal status of minorities were determined. During the negotiations, the representatives of Turkey resisted recognising any Muslim community as a minority.⁴⁰⁸ According to Bayır, although Christian groups like Nestorians, Chaldeans and Assyrians, and Bulgarians explained their cases during the conference, they were not

⁴⁰⁵ Köy Kanunu, Law no. 442, (18.03.1924).

⁴⁰⁶ Ayfer Karakaya-Stump, ‘The AKP, Sectarianism, and the Alevis’ Struggle for Equal Rights in Turkey’ (2018) 20(1) National Identities 53-67.

⁴⁰⁷ Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017) 178.

⁴⁰⁸ Ibid 100-101.

included in official documents.⁴⁰⁹ Indeed, the Turkish representatives also resisted granting the Jewish community minority status, since they did not have a problem with the state. This attitude reveals the negative connotation attributed by the Turkish representatives to minority status - a group having problems with the state. Eventually, however, the Jewish community was included as well and three non-Muslim groups (Greeks, Armenians and Jews) were recognized as minorities of Turkey under Section III of the Agreement (Art 37-45).⁴¹⁰ Yet, other non-Muslim communities such as Alevis, Chaldeans and diverse Muslim communities were not granted the minority status.

As described above, Turkish *laiklik* differs significantly from the laicism in France both in terms of historical background and its application. The French *laïcité* was gradually formed in an on-going confrontation between the Roman Catholic Church and the State.⁴¹¹ This difference brought up the development of French *laïcité* as a bottom-up process, while evolving as a top-down project in Turkey.⁴¹² Unlike France, the Turkish *laiklik*, as explained above, was a top-down project of the Kemalist regime to transform the society. In addition to this historical difference, the Diyanet, on a surface look, seems to be similar to the French Direction *des libertés publiques et des affaires juridiques*, within the Ministry of the Interior.⁴¹³ However the power that the Diyanet holds in interfering with the political and legal debates through theological arguments is much greater than its French counterpart. To draw out the stark difference in the two approaches, Stepan underlines that controlling religion to the degree that the Kemalist regime aimed would not have been assumed in 1905 France.⁴¹⁴ In this vein, Davison argues that Turkish laicism is weakened not only as a result of the state's influence over religion but also over

⁴⁰⁹ Ibid 98, 112, 113.

⁴¹⁰ Ibid 76-77. Also see Mehmet Bayrak, *Alevilik, Kürdoloji, Türkoloji Yazıları [1973-2009]* (OZGE 2009) 29-31 where he argues that the Turkish State violates the Lausanne Agreement by not considering the legal status of the Alevi under Section III of the Lausanne Agreement. Yet Alevis have never been considered as non-Muslims by the secular republic. Neither are they considered as Muslims.

⁴¹¹ Anna Parrilli, 'Religious Freedom, Minority Rights and Turkish Secularism: The Case of Alevis' (2018) 24 *Revista General de Derecho Público Comparado* 1-33, 24.

⁴¹² Ahmet T Kuru and Alfred Stepan, 'Bir 'İdeal Tip' ve Skala Olarak Laiklik: Türkiye, Fransa ve Senegal Karşılaştırması' in Ahmet T Kuru and Alfred Stepan (eds) *Türkiye'de Demokrasi, İslam ve Laiklik* (Bilgi 2013) 91-114, 100.

⁴¹³ Anna Parrilli, 'Religious Freedom, Minority Rights and Turkish Secularism: The Case of Alevis' (2018) 24 *Revista General de Derecho Público Comparado* 1-33, 22.

⁴¹⁴ Alfred Stepan, *Arguing Comparative Politics* (Oxford University Press 2001) 245.

individuals and shaping the content of social morality.⁴¹⁵ In Chapter 2, I suggested that the lack of theological background that would make intelligible the public-private divide and religion as conscience, the transplantation of *laïcité* to Turkey brings about distortions, where the meta-language that Turkish *laiklik* is rooted in Islamic doctrines.

Not surprisingly, the early Republican aspirations were not shared by the general populace, who did not embrace their vision because the imposed realm of true religion did not correspond to the reality of Islamic society.⁴¹⁶ The transition to a multi-party system saw increasing return of Islamic doctrines in the application of Turkish *laiklik* that has prioritised the concerns of the Sunni majority.⁴¹⁷ Since then, the doctrinal core of Islam has played a larger role. Nevertheless, the tendency to prioritise a doctrinal Islam has not led to religion being considered as a matter of conscience; as a particular manifestation of Christian theology it seems not to play a role in Turkey. Instead, Islamic doctrines are pervasive. In the process, some practices that were previously considered false religion by early Republicans who tried to apply French *laïcité* were transferred to the realm of true religion.⁴¹⁸ However, a particular section of false religion as human corruption of religion remains within the realm of false religion. Moreover, Alevi traditions increasingly become subject to the evaluative framework of Islamic doctrine, which pervades politics and this Chapter aims to shed lights on.

After the Kemalist regime introduced the multi-party system, the policies restricting the visibility of Islam has been softened. Two periods are particularly significant to point out: the 1980 Military Coup and AKP governments that has been in power since 2002. Putting an end to violent polarisation of politics, the leaders of the 1980 Military Coup incorporated Islam into the state ideology as ‘Turkish-Islam synthesis,’ which aimed at promoting Turkishness in public sphere with “a privileged place for Islam with

⁴¹⁵ Andrew Davison, ‘Turkey, a “Secular” State?: The Challenge of Description’ (2003) 102 2 (3) *The South Atlantic Quarterly* 333-350.

⁴¹⁶ For the negative reaction of the general populace towards the policies implemented by the early republicans, see Fuat Başgil, *Din ve Laiklik*, (Yagmur 2017); İsmail Kara, *Cumhuriyet Türkiye’si’nde Bir Mesele Olarak İslam 2* (Dergah 2017).

⁴¹⁷ Ibid.

⁴¹⁸ This is where the ‘irtica’ (fundamentalist threat- will find a proper translation) debates surface in Turkey.

a clear Sunni flavour.”⁴¹⁹ The Article 136 of the 1982 Constitution imparted increasing power to the Diyanet and authorised the Diyanet with “maintaining national unity and solidarity.” Additionally, the Article 24 of the Constitution enacted religious education compulsory. When AKP came into power in 2002 as a moderate Islamist party, AKP pursued policies to improve the implementation of religious freedom. A comparison between the Kemalist regime’s implementation of *laiklik* to that of AKP has been made by many scholars. Pointing to policies to relax the use of religious symbols like headscarf, it is argued that AKP governments take a more moderate view against the anticlerical Kemalist regime.⁴²⁰ On the other side of the debate, which I reckon with, argued that the liberal policies of AKP has been one-sided and favour the Sunni Muslims.⁴²¹ Particularly with respect to the accommodation of Alevis’ difference, AKP governments advance a discourse that neglect Alevis’ difference and submerges it into Sunnis, as revealed during the 2009-2010 workshops with the Alevi movement that I discuss in Section 4.8. As the epitome of this discourse is the President Erdogan’s speech indicating that “if Alevism is the love of Ali, then we are all Alevis.” This discourse makes a number of assumptions taken for granted that Alevis are Muslims, Sunnis, go to mosque and their difference lies in some minor traditions. While both the Kemalist regime and AKP governments reduce the Alevi traditions as some variety of Islamic traditions, because AKP governments embrace the meta-language of Islam deeply in policy implementations as opposed to the anticlerical approach of the Kemalist regime, Alevis have been more exposed to Islamic assimilation under AKP governments. An important instrument of this assimilation is enforced by the Diyanet that I now turn to discuss.

⁴¹⁹ Çarkoğlu A & Çağın Bilgili N, ‘A Precarious Relationship: The Alevi Minority, the Turkish State and the EU’ (2011) 16(2) South European Society and Politics 351-364, 354.

⁴²⁰ Ahmet Kuru, *Secularism and State Policies Toward Religion: The United States, France, and Turkey* (Cambridge University Press 2009) 168–180; Hakan Yavuz, *Secularism and Muslim Democracy in Turkey* (Cambridge University Press 2009) 154, 159.

⁴²¹ Ayhan Kaya, ‘Islamisation of Turkey under the AKP Rule: Empowering Family, Faith and Charity’ (2015) 20 (1) South European Society and Politics 47-69; Ayfer Karakaya-Stump, ‘The AKP, Sectarianism, and the Alevis’ Struggle for Equal Rights in Turkey’ (2018) 20(1) National Identities 53-67; Candaş Pınar, ‘Religion–State Relations in Turkey since the AKP: A Changing Landscape? Evidence from Parliamentary Debates on the Alevi Matter’ (2013) 33(4) Journal of Muslim Minority Affairs 507-520; Ceren Özgül, ‘Freedom of Religion, the ECtHR and Grassroots Mobilization on Religious Education in Turkey’ (2019) 12 (1) Politics and Religion 103–133.

4. 3. The Diyanet and the Recognition of Alevism

As mentioned above, the Diyanet has grown in size and influence since its establishment. Its budget exceeds that of many ministries. In 2014 its personnel was reported to number 120,000 and the institution was responsible for 86,000 mosques.⁴²² Law no. 633 on the Organisation and Duties of the Presidency of Religious Affairs, which was published in the Official Gazette on 2 July 1965 and came into effect on 15 August 1965, indicates a different mentality compared to that of the Republic's founding elite. In this legislation the duties of the Diyanet were stated as being "to carry out affairs related to the beliefs, worship and moral foundations of Islam, to enlighten Turkish society about religion and to manage places of worship."⁴²³

Particularly after the promulgation of the 1982 Constitution that is in effect currently, the Diyanet's duties are tied closely with preserving the sentiment of national unity, promoted as the Turkish-Islam Synthesis. Article 136 of the 1982 Constitution states that one of the aims of the Diyanet is "promoting and consolidating national solidarity and unity." Under the rule of the AKP governments, the Diyanet has been acquired even more power as an institution that implicated the AKP's support.⁴²⁴ The status of the Diyanet within the state apparatus often stirs up discussions over Turkish secularism. For example Gözaydın points to the increasing network of the Diyanet in the country and warns that "the Diyanet as an administrative organism may indirectly obtain power over the government."⁴²⁵ Similarly, in terms of the agency that the Diyanet uses, Lord argues that Diyanet "is able to negotiate national boundaries on the basis of its position as a religious authority with its own agenda, resisting efforts and policies by other state actors such as the military regarding Alevism."⁴²⁶ For instance, a draft law prepared in 1963 by Cemal Gürsel, the head of the junta regime, to define the organisation and duties of the Diyanet proposed the establishment of a department of

⁴²² Ceren Lord, 'Between Islam and the Nation; Nation-building, the Ulama and Alevi Identity in Turkey' (2017) 23(1) Nations and Nationalism 48-67, 50.

⁴²³ İstar Gözaydın, 'Diyanet and Politics' (2008) 98 (2-3) The Muslim World 216-227, 220.

⁴²⁴ Ahmet Erdi Öztürk, 'Turkey's Diyanet under AKP rule: from protector to imposer of state ideology?' (2016) 16 (4) Southeast European and Black Sea Studies 619-635, 620.

⁴²⁵ Ibid.

⁴²⁶ Ceren Lord, 'Between Islam and the Nation; Nation-building, the Ulama and Alevi Identity in Turkey' (2017) 23(1) Nations and Nationalism 48-67, 49.

denominations.⁴²⁷ During the discussions of having denominational representation within the Diyanet in the early 1960s, an article published by the Diyanet argued that “there were no ‘real Shi’a’ in the country and that those ‘associating themselves with Shiism’ – which they alleged was what the Alevis were doing – were ‘extremist and perverted tariqas’ steeped in ‘superstition’, which could not be recognised by a ‘laic’ state as a ‘religious denomination’.”⁴²⁸ The proposal for the draft law was criticised on the grounds that it could “pave the way for official separation [between Alevis and Sunnis]” and was never implemented.⁴²⁹ The idea of a department of denominations was abandoned by 1966 following derogatory statements made against Alevis by the former president of the Diyanet, İbrahim Elmalı (1965–1966).

Comparing the discourses of the Diyanet over Alevism in different periods of Republican history, Lord claims that the Diyanet adopted an inclusive approach towards Alevis, especially from the 1990s, when ‘the Kurdish issue’ dominated Turkish politics. According to Lord, such a turn is evident, for example, in the works of a long-term Diyanet official Abdülkadir Sezgin, who published numerous texts (on behalf of the Diyanet) in the 1990s claiming that Alevis were in reality Hanefi Sunnis.⁴³⁰ However, the ‘inclusive’ approach that Lord attributes to the Diyanet is not convincing, for the Diyanet tried to preserve its stance on the proposal of a department of denominations and submerge Alevis into Sunni Islam. For instance, in 2001, at a time of discussions about a department of denominations, the president of the Diyanet, Ali Bardakoğlu, asserted that such a change in the institutional structure of the Diyanet to include various different inner-Islamic groups would be “completely against the nation-state and society project as aimed for by the will that established the Republic.”⁴³¹ Examining the radical transformation of the Diyanet, Ozturk argues that while the Diyanet has always been the main ideological instrument of Turkish state, the Diyanet under the AKP rule “synchronized with the ruling party’s discourses and actions.”⁴³² Indeed, AKP

⁴²⁷ Ibid.

⁴²⁸ Ibid 62.

⁴²⁹ Ibid; İstar Gözaydın, ‘Diyanet and Politics’ (2008) 98 (2-3) *The Muslim World* 216-227, 223.

⁴³⁰ Ceren Lord, ‘Between Islam and the Nation; Nation-building, the Ulama and Alevi Identity in Turkey’ (2017) 23(1) *Nations and Nationalism* 48-67, 58.

⁴³¹ Ibid.

⁴³² Ahmet Erdi Öztürk, ‘Turkey’s Diyanet under AKP rule: from protector to imposer of state ideology?’ (2016) 16 (4) *Southeast European and Black Sea Studies* 619-635, 620.

government's report on Alevi workshops that is examined in 4.8 supports this finding as well as Erdogan's speech cited above in 4.2.

As regards the official recognition of Alevism and Alevi demands, the Diyanet poses one of the biggest obstacles. Whether in the legal or political sphere, whenever an Alevi recognition demand is voiced, the Diyanet's opinion on the matter is sought, be it by the secular courts, municipalities or the government. In effect, the Diyanet insists on considering Alevism as an inner Islamic richness that could not be easily classified as *tariqa*. It strictly rejects granting *cemevi* the status of a place of worship, since, in the eyes of the Diyanet, such a move implies Alevism is outside of Islam, for the only place of worship in Islam is the mosque. In this vein, in 2016, the head of the Diyanet gave a speech in which he drew attention to 'two red lines' for the Diyanet: to define Alevism as a separate religion outside Islam and to consider *cemevi* as an alternative to and as the equivalent of the mosque.⁴³³

According to an information note on Alevis on the Diyanet's website, the umbrella term Alevism is used to refer to different *ocak*-groups⁴³⁴ and Bektaşis and considers them within the fold of Islam as examples of historical formations that reflect Islamic richness.⁴³⁵ The Diyanet emphasises that this view is not given merely as an opinion of the Diyanet, but has a basis in Islamic methodology. This emphasis might have been formulated as a response to Alevis' common complaint about being defined by Diyanet that adopts the Sunni Islamic doctrinal position and therefore rejects the particularities of Alevism. Indeed, I witnessed this complaint over 'being defined by Diyanet' uttered by many Alevis during my fieldwork.

The same information note also touches on the variety of views on Alevism presented by different segments of the Alevi movement that brings about 'the problem of representation' pointing to the diverse voices within the Alevi movement, as the following section examines in detail. However, the note states that the theology of religion divides faith groups into three: religion,

⁴³³ Aysegul Kahvecioglu, 'Cemevi Diyanetin Kirmizi Cizgisi' *Milliyet* (Ankara, 2 Jan 2016), available at <http://www.milliyet.com.tr/cemevi-diyanet-in-kirmizi-siyaset/detay/2172767/default.htm> (accessed 16 November 2018).

⁴³⁴ See Chapter 3.4 for *ocak* formations and Section 3.5 for the link between Alevis and Bektaşis.

⁴³⁵ Diyanet, 'Açıklama – Alevilik', (19 December 2008), available at <https://web.archive.org/web/20161211234044/http://www.diyanet.gov.tr/tr/icerik/aciklama-alevilik/5936?getEnglish=> (accessed 2 March 2020).

sect (*mezhep*), and mystic formations that include Sufi traditions. Adopting this framework for an analysis of Alevism, the Diyanet's note goes on to declare that Alevism and Bektaşism recognise Islam as the religion, Mohammad as the last prophet and the Quran as the Holy Book and therefore they cannot be considered as a separate religion. Besides, as the note claims, a majority of Alevis consider themselves as 'the root or essence of Islam' (İslamın özü). Therefore, Alevism and Bektaşism are a richness (*zenginlik*) within Islam. Accordingly, the Diyanet analogically evaluates the similarities between Alevi traditions and Sufi traditions by considering the *cem* ritual as an example of *zikr*, *deyiş/nefes* as examples of Islamic hymns (*ilahi*) and the concept of *hak* as representing the *vahdeti vücud* idea of Sufi traditions. However, the note omits other elements of the Alevi traditions, which contravene the basic principles of Islam, such as the belief in reincarnation, *semah* danced by men and women together or alcohol consumption during rituals. It also makes no comment on the difference between Bektaşism and Alevism even though the former adopts an internal hierarchy as a *tariqa*, while, as discussed in Chapter 3, the latter's *ocak* lineages are formed in a different way and determined by birth in a particular Alevi community.

In the aforementioned note,⁴³⁶ the Diyanet also responds to the main Alevi recognition claims regarding the status of *cemevi*, the place of Alevis within the Diyanet and compulsory religious education. On the status of *cemevi*, citing some Alevi writers,⁴³⁷ the Diyanet argues that *cemevi* is a contemporary construct as a result of migration to urban areas whereas, traditionally, the *cem* ritual used to be conducted in a *tekke*, *dergah*, *ocak* or an ordinary house. From this point of view, the Diyanet claims that *cemevi* can never be an equivalent of or alternative to the mosque, church or synagogue. The note underlines that the discussion on the status of *cemevi* as a place of worship raises the issue of whether Alevism is a separate religion or within

⁴³⁶ Diyanet, 'Açıklama – Alevilik', (19 December 2008), available at <https://web.archive.org/web/20161211234044/http://www.diyaret.gov.tr/tr/icerik/aciklama-alevilik/5936?getEnglish=> (accessed 2 March 2020).

⁴³⁷ Diyanet cites the works of Baki Öz, *Dünya'da ve Türkiye'de Alevi-Bektaşî Dergahları* (Can 2001); Nejat Birdoğan, *Anadolu ve Balkanlar'da Alevi Yerleşmesi* (Kaynak 1992); Eraslan Doğanay, *Anadolu'da Yaşayan Dergahlar* (Can 2000).

Islam, while the only place of worship in Islam has been designated as the mosque.

The same note also addresses the question as to whether the Diyanet should include a department on Alevism. In its response, the Diyanet first draws attention to Law No. 633 that sets out the duties of the Diyanet as a public institution operating in line with the principle of *laiklik* and as such providing services for all segments of the public. As a result, it says, the Diyanet is responsible for non-denominational service. Therefore, it suggests that changes in the institutional organisation of the Diyanet in providing services to different Islamic formations of the country such as Alevism should be considered carefully, since such a change in organisation affects the political formation of the Republic.

Regarding compulsory religious education, the note recognises the significance of including proper information on Alevism in the religious education curriculum. However, it highlights ‘the problem of representation’ of the Alevi community, in that different segments of the Alevi community have differing opinions on compulsory religious education. Therefore, it suggests encouraging academic research in social sciences in order to arrive at the most suitable form of regulation, which does not disrespect individuals having different opinions on Alevism.

As explained in Part I and earlier in this Chapter at Section 4.2, the transplantation of religious tolerance and secular state evolved into a system in Turkey where the Diyanet holds a peculiar authority in religious matters. It functions to assimilate not only ‘folk Islam’ as practiced by various Sufi brotherhoods but also Alevi traditions. As mentioned in Chapter 3.8 in Part I, Islamic doctrines differentiate between Sufi brotherhoods and Alevism and Alevism is a displaced phenomenon within Islamic theology. Whereas Alevis were considered to be heretics before the introduction of religious tolerance in Ottoman era, with the introduction of religious tolerance the matter of categorizing the Alevis’ religion gained importance. Continuing a trend that began in 19th century, the Turkish state continued to consider Alevis as part of folk Islam, albeit corrupted due to its link to pre-Islamic Turkish culture. As a result, holding the authority over true religion, the Diyanet never openly rejected Alevis as non-Muslims but carried on with an agenda of assimilating

them and thus bringing them back to the true religion. As long as generic inclusion of Alevis in Islam was preserved, such a positioning of Alevis allowed the Diyanet to step in as an authority.

The views expressed in Diyanet's note are also similar to those produced by the Turkish authorities during the 2009-2010 workshops with the Alevi movement, which are examined in detail in Section 4.8. However, as examined in Chapter 3 in Part I, this thesis takes the position that Alevi traditions are different from religion and hence Islam. Alevi traditions have been practiced for centuries because they were handed down over generations and not because of their reference to Islamic doctrine. Indeed, Alevi philosophy differs significantly from Islam in terms of the positioning of shared Islamic figures. As explained in Chapter 3, Ali in Alevi traditions does not correspond to Ali in Islam and the Alevi traditions are starkly different from Sunni Islam. Yet, the Diyanet has been the most apparent impediment on Alevis' recognition demands as it provides opinions on Alevism to courts and state institutions. In the following section, I argue how Alevis developed responses to the politico-legal framework in Turkey by gradually getting organised as a movement that has been evolved into an advocacy for Alevis' freedom of religion.

4. 4. The Emergence of the Alevi Movement

The end of single party regime that established the foundation of Turkish *laiklik* signalled a new era that gradually extended toleration to Muslims, while ignoring Alevis. The introduction of a multi-party system in the 1950s re-legitimised Islam, as the wider powers given to Diyanet in the 1982 Constitution also exemplifies. In this politico-legal system that has its roots in last period of the Ottoman Empire when Alevis were constructed as a sort of Muslims with their pre-Islamic Turkish heritage, as explained in Chapter 3, Part I, we witness Alevis struggling to keep up or adapt to this view of themselves, and internalise it gradually. As this section aims to demonstrate, that struggle has its own dynamics in terms of how Alevis formulate strategies for their survival and adaptation. Together with the following section, I explore these dynamics, which gave birth to the transnational Alevi movement that advocates for the rights of Alevis. I read the emergence of the Alevi movement

as a product of the liberal governance that is grounded on the freedom of religion and secular state.

The transnational Alevi movement that articulates and advocates the current demands of Alevis began its formation gradually in the 1960s by founding village associations in cities.⁴³⁸ This was triggered by Alevi migration from rural to urban areas and the need to conduct funerals. The report of the Alevi workshops and some Alevi authors cite the migration to the cities as being one of the most important developments that triggered ‘the distance between Alevis and Alevism’, or ‘the erosion of traditional Alevism’, as cited in the report by Alevi workshops and claimed by some Alevi authors.⁴³⁹ This migration brought about the disengagement of *dede* families from Alevi communities. Additionally, as I was frequently told during my fieldwork, migration to urban areas resulted in closer contacts with Muslims. The nature of this contact can be understood as Balagangadhara’s suggestions over the contact between religious traditions and non-religious traditions and the process of ‘effacing the otherness of the other’, discussed in Chapter 2. In the case of Alevis, this effacing has resulted in the gradual adoption by Alevis of Alevism as their religion, which was indeed imposed by a system that prioritise religion as protected area.

Scholars refer to an Alevi revival, indicating the acceleration of the Alevi movement, which dates back to the 1990s, which is examined further down in this section. However, the 1970s are also important to understand the cadre that initiated the emergence of the transnational Alevi movement to advocate for Alevis’ religious rights. This is a period when leftist ideologies became increasingly dominant in Turkey and clashed with the fascist ideology until the 1980 military coup.⁴⁴⁰ The vast majority of the membership of these leftist groups consisted of Alevi activists. Ertan argues that socialist ideology captivated Alevis for different reasons: because they were persecuted for their beliefs and culture and because of Alevis’ efforts to be involved in politics coincided with the leftist ideology’s need to appeal to the masses that found a

⁴³⁸ The 1960s witnessed the emergence of Alevi associations, including the first and only political Alevi party. see Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletişim 2017) 34-49.

⁴³⁹ Ali Murat İrat, *Modernizmin Erittikleri, Sunniler Şiiler ve Aleviler* (Kırmızı 2009); Pınar Ecevitoglu, ‘Aleviliği Tanımlamanın Dayanılmaz Siyasal Cabizesi’ (2011) 66(3) Ankara Univ. SBF Dergisi 137-156.

⁴⁴⁰ Suavi Aydın and Yüksel Taşkın, *1960’tan Günümüze: Türkiye Tarihi* (İletişim Yayınları 2016).

response from Alevis.⁴⁴¹ It is also important to note that the polarisation in politics divided society into two: either leftist groups or ultra-nationalist and Islamist groups.⁴⁴² Within this polarisation of politics pre-1980 Coup, the Alevi did not have another option to ally with, as the other option was ultra-nationalists and Islamists.

The alliance with leftist ideology, however, proved to be costly for the Alevi for two main reasons: the denial of Alevi traditions by Alevis affiliated with the leftist groups and the pogroms perpetuated against them as a reaction against the left. Alevis were targeted in pogroms by anti-leftist groups. As the ideals of leftist ideology became more prevalent among the Alevi youth, some of the Alevi traditions, especially *cem* ritual and *dede*, were targeted for being religious and thus exploiting poor Alevis' religious sentiments. For example, in my fieldwork, I was frequently told that during this time many *dede* were expelled from villages for exploiting people, while the youth became more distant from the tradition. Interestingly, however, the Alevi music and some of the Alevi bards were selectively dignified in the struggle against the oppressed. Thus, the Alevi culture was divided into the religious and secular realms, according to leftist preconceptions. In this respect, I argue that the leftist ideology brought about a distance between Alevis and Alevi culture. Leftist ideology that mirrored the criticism within Protestant theology about false religion as human corruption with priests as the main actors of this corruption, while extending this criticism by considering all religions as false. Some Alevis who were affiliated with leftist groups, alienated themselves from Alevi culture. Thus, the *cem* ritual and *dede* were identified as sources of exploitation in the community, while Alevi music and poetry for the oppressed were praised. The poems of Pir Sultan Abdal, one of the seven bards in history for Alevis, who was executed for his poems criticising the corruption of the Ottoman rules, were popularised as they were not in contradiction with the leftist ideology.

The Alevi also became the target of attacks against the leftist groups. For example, in Maraş in 1978, after the killing of two leftist teachers in a theatre bombing, rumours spread that leftists gathering for the funeral would

⁴⁴¹ Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletişim 2017) 65-71.

⁴⁴² Suavi Aydın and Yüksel Taşkın, *1960'tan Günümüze: Türkiye Tarihi* (İletişim Yayınları 2016).

attack mosques, whereupon Islamist mobs began attacking Alevi neighbourhoods.⁴⁴³ The attacks lasted for several days and more than 100 Alevis were killed before the police decided to intervene. Many Alevi families were forced to flee their homes. Indeed, London accommodates a considerable number of these families, who now lead the Alevi movement in the UK. For the last few years, Alevis have commemorated the Maraş massacre. In December 2015, an All Party Parliamentary Group for Alevis in the UK Parliament was established and issued a letter to the Governor of Maraş asking permission for a peaceful commemoration of the Maraş incident.⁴⁴⁴ Yet, the Governor of Maraş did not respond to it. Additionally, as a result of similar rumours, Islamists attacked Alevi neighbourhoods in Çorum in 1980.⁴⁴⁵ State security forces were not able to enter these neighbourhoods due to the severity and intensity of the attacks, in which 25 Alevis were killed.

The 1980 Military Coup signalled the inauguration of a new era and ended the polarisation of politics.⁴⁴⁶ Yet, many political activists, mainly from the leftist groups, were prosecuted and persecuted.⁴⁴⁷ Three important policies resulting from the Coup loomed large with regards to the place of religion in politics. First, there was an emphasis on the Turkish-Islamic synthesis and the Diyanet's function in this ideology. Second, religious education was made compulsory. Third, the restrictions on the practice of religion were loosened. The first of these policies aimed to consolidate Islam as the true religion of Turkey in the political and legal arenas. While the leftist political activists were suppressed, the right was rerouted towards a new direction under state control. The state began benefiting from Islam in its nationalist discourse. The 'Turkish-Islamic' synthesis became the foundation stone holding the nation in unison.⁴⁴⁸

⁴⁴³ Levent Cinemre and Figen Akşit, *100 Soruda Tarih Boyunca Alevilik*. (Hürğüç Gazetecilik 1995) 84-86.

⁴⁴⁴ John Ryan, All Party Parliamentary Group for Alevis (16 December 2015).

⁴⁴⁵ Levent Cinemre and Figen Akşit, *100 Soruda Tarih Boyunca Alevilik*. (Hürğüç Gazetecilik 1995) 86-87.

⁴⁴⁶ Sam Kaplan, 'Din-u Devlet All over Again? The Politics of Military Secularism and Religious Militarism in Turkey Following the 1980 coup' (2002) 34 (1) *International Journal of Middle East Studies* 113-127, 119.

⁴⁴⁷ Kemal H Karpat, *Kısa Türkiye tarihi, 1800-2012* (Timaş 2012) 173-175.

⁴⁴⁸ Sam Kaplan, 'Din-u Devlet All over Again? The Politics of Military Secularism and Religious Militarism in Turkey Following the 1980 coup' (2002) 34 (1) *International Journal of Middle East Studies* 113-127, 119; Erdoğan Aydın, *Kimlik Mücadelesinde Alevilik* (Kırmızı 2008); Mehmet Bayrak, *Alevilik, Kürdoloji, Türkoloji Yazıları [1973-2009]* (OZ-GE 2009).

The already compromised feeling of Alevis' confidence to the state as a result of events prior to the 1980 Coup was destroyed by a landmark event in the republican history of Alevis, which took place at Sivas in 1993. The Pir Sultan Abdal Association (PSAKD) had planned to organize a festival for the remembrance of Pir Sultan Abdal, an important Alevi rebel poet who lived in Sivas. Some 100 intellectuals had travelled to Sivas for the festival, the atheist writer Aziz Nesin among them. A Sunni group protested against the festival and particularly against Nesin's attendance. The crowd targeted the hotel where the intellectuals, including Nesin, were staying, eventually firebombing the hotel. 37 people were killed during the ensuing inferno. Despite the police presence in front of the hotel, the authorities failed to disperse the crowd or prevent the spread of the fire. The State was criticised for the tardiness of its intervention. Subsequent police records of the incident reveal that the police in front of the hotel were ordered by radio not to interfere with the actions of the crowd.⁴⁴⁹ The police merely watched as the group committed arson. Following the incident, the Prime Minister announced: 'The State was there. Those who surrounded the hotel were not harmed. Nobody from the crowd died.'⁴⁵⁰ Subsequently, a parliamentary commission was established to investigate the incident. The report prepared by the parliament concluded that the events were the result of a provocation, which was triggered by the indifference of the local administration and security forces.⁴⁵¹ The state security court considered provocation as an extenuating circumstance. The court of appeal remitted the case to the state security court. The state security court reopened the file and sentenced 33 of the accused to death.⁴⁵² As the death penalty had been abolished with the beginning of the process of Turkey's accession to the European Union (EU), the sentences were converted to life imprisonment.⁴⁵³

Another sign of this awakening can be seen in the Gazi incidents, which occurred in Istanbul in March 1995. The Gazi district of Istanbul had long been home to a large number of Alevis. In 1995, after an armed attack on a café in which some Alevis were killed, Alevi youth protested against both the

⁴⁴⁹ Martin van Bruinessen, *Kürtlük, Türklük, Alevilik - Etnik ve Dinsel Kimlik Mücadeleleri* (İletişim 1999) 126.

⁴⁵⁰ Erdoğan Aydın, *Kimlik Mücadelesinde Alevilik* (Kırmızı 2008) 313.

⁴⁵¹ Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletişim 2017) 131.

⁴⁵² Ibid 132.

⁴⁵³ Ibid.

attack and the inadequate response by the police.⁴⁵⁴ The protests moved to the street outside the district police headquarters. The protest and clashes between Alevi protesters and the police lasted for two days, during which seventeen people were killed by the police. The instigators of the attack on the cafe have never been identified. After the subsequent judicial enquiry into the riots, commentators noted that court procedure was unfair and unduly lenient on the police officers who were alleged to have fired on the crowd.⁴⁵⁵ Hence, a number of the victims' relatives took their case to the European Court of Human Rights. In the resulting case, *Şimşek and others v. Turkey*, the Turkish State was found to have violated Arts 2 and 13 of ECHR.⁴⁵⁶ The Court asserted that "the force used to disperse the demonstrators, which caused the death of seventeen people, was more than absolutely necessary within the meaning of Article 2."⁴⁵⁷ In addition, the Court found that there had been failings in the investigation as well as in the domestic legal proceedings, stating that "the domestic authorities did not conduct prompt and adequate investigations into the killing of the applicants' relatives."⁴⁵⁸

The Sivas incidents represents a landmark for the Alevi, not only in terms of the extent and effect of its violence, but also the complicity of the State in its execution. The apparent cynicism of the State forced the Alevi into realising that the authorities were not there to protect them and that they must do something to protect themselves. My fieldwork also suggests that the Sivas massacre triggered an awareness of being an Alevi. Some Alevis learned that they were Alevis after their families' reaction to the Sivas massacre. Some, who identified themselves with leftist ideologies, became more conscious of being Alevi. Some, for the first time in their lives, joined peaceful demonstrations with their families, making their Alevi identity visible for the first time. Together with the events prior to 1980, the Sivas incidents made the Alevi conscious of their identity and come into terms with the need for advocacy for their identity.

⁴⁵⁴ Martin van Bruinessen, *Kürtlük, Türklük, Alevilik - Etnik ve Dinsel Kimlik Mücadeleleri* (İletişim 1999) 126-127.

⁴⁵⁵ Ibid; Lütfü Kaleli, *Alevi Kimliği ve Alevi Örgütlenmeleri* (Can 2000).

⁴⁵⁶ *Şimşek and others v. Turkey* App no 35072/97 and 37194/97 (ECtHR, 26 October 2005).

⁴⁵⁷ Ibid para 112.

⁴⁵⁸ Ibid para 124.

Following the Sivas massacre, the membership of the PSAKD (one of the leading Alevi organizations) tripled, while the number of branches of HBVKD (another national Alevi organization) increased from 20 to more than 50.⁴⁵⁹ The Alevi Revival also meant that the village-based organizations in urban areas that were founded for community needs were transformed into representational organizations at national level.⁴⁶⁰ Together with the already developing Alevi movement in Europe, a transnational Alevi movement has come into being.⁴⁶¹ Zırh defines the Alevi movement as “the main organizational current” of “the historical process by which Alevism evolved from a locally invisible to transnationally visible belief community”.⁴⁶² Indeed, the influence of the Alevi Movement in Europe (primarily in Germany) on the politics of Turkey attracted attention first in 1990, when a local newspaper, *Cumhuriyet*, published an ‘Alevi Declaration’, in which the recognition demands of the Alevi for the first time found voice in Turkey, it having first been declared in Hamburg in 1989.⁴⁶³

The Alevi migration to European countries dates back to the 1960s, but intensified in the late 70s as a result of Alevi pogroms, which led to refugee flows and economic migration. After the military coup in 1980, another wave of Alevi refugees settled down in different European countries. As mentioned above, these political refugees were affiliated with leftist groups. In Europe, predominantly in Germany, they initiated the organization of the Alevi movement. These Alevi organizations did not conceptualise Alevism in religious terms until after the mid-1990s when they realised the legal mechanism offered by multi-cultural politics for faith communities.⁴⁶⁴ On the way to obtaining recognition to teach Alevism in public schools, the Federation of Alevi Communities in Germany (AABF) began gradually formulating Alevism as a religion within this legal mechanism. Ertan compares how the peer organizations PSAKD and HBVKTD in Turkey considered Alevism as a

⁴⁵⁹ Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletisim 2017) 135.

⁴⁶⁰ Ali Murat İrat, *Modernizmin Erittikleri, Sunniler Şiiler ve Aleviler* (Kırmızı 2009).

⁴⁶¹ Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012).

⁴⁶² Besim Can Zırh, ‘Becoming Visible Through Migration: Understanding the Relationships Between the Alevi Revival, Migration and Funerary Practices Through Europe and Turkey’ (Unpublished PhD dissertation University College London 2012) 182.

⁴⁶³ Lütfü Kaleli, *Alevi Kimliği ve Alevi Örgütlenmeleri* (Can 2000) 174-177.

⁴⁶⁴ Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletisim 2017) 93.

way of culture, while the AABF preferred to define it in religious terms in the German context.⁴⁶⁵ This is an important indicator to show that conceptualising Alevis as a religious community began in the European context.

As a result of the AABF's efforts in Germany, Alevism was considered as *Religionsgemeinschaft* (religious community)⁴⁶⁶ and fulfilled the conditions for the teaching of Alevism in schools in different states in Germany. Turgut Öker, the director of the AABF at the time, reconciled his Marxist background and the struggle for recognition as follows:

The only form of organisation we knew in Turkey were associations. There was no *cemevi*. And then maybe coming from left-wing organisations we were a little bit ashamed of presenting ourselves as religious. We used to be strongly criticised as democrats carrying out religious work. But we now say that Aleviness has existed in its religious form in Anatolia for 1000 years, so why should we reject this form and create something new? We now realise that Christians cannot operate without churches, Muslims without mosques, and Alevis without *cemevi*.⁴⁶⁷

It is also important to underline that the success of the AABF in Germany stemmed from its broad representation of Alevis.⁴⁶⁸ In this connection, the AABF has become an 'authority' to speak for Alevis in Germany. This strategy for success has been copied in other European states as well as in Turkey with the establishment of federations and confederations that aim to unite different Alevi organizations under one umbrella. On many occasions during my fieldwork, I observed the emphasis on 'being organised' (*örgütlenmek*) for the representation of Alevis.⁴⁶⁹

Being organised is considered both as a survival strategy against assimilation (loss of identity) and as a matter of representation of the Alevi community. Balagangadhara emphasises that the framework in which the secular law and state operate indeed requires an authority for religious

⁴⁶⁵ Ibid 96.

⁴⁶⁶ Elisa Massicard, 'La Judicialisation Contrastée de la Question Alévie' (2014) Vol. 64, 4 *Revue française de science politique* 711-733, 721. (Translated by Sarah-Louise Raillard), available at https://www.cairn-int.info/article-E_RFSP_644_0711--.htm (accessed 8 January 2019).

⁴⁶⁷ Martin Sökefeld, 'Religion or Culture? Concepts of Alevi Identity in the Alevi Diaspora', in Waltraud Kokot, Khachig Tololyan and Carolin Alfonso (eds) *Diaspora, Identity, and Religion* (Routledge 2004) 133.

⁴⁶⁸ Esra Özyürek, 'The Light of the Alevi Fire was Lit in Germany and Then Spread to Turkey: A Transnational Debate on the Boundaries of Islam' (2009) 10 (2) *Turkish Studies* 233-253.

⁴⁶⁹ This emphasis is put both by ordinary Alevis, *dede* speaking in *cem* rituals as well as the cadre of different Alevi organisations.

communities to settle disputes about beliefs and to doctrinise the tradition, for this framework considers religion as a matter of truth revolving around doctrines.⁴⁷⁰ And yet, Alevis do not have an epistemic approach to their tradition. Therefore, it is indeed a struggle to establish such an authority to speak for Alevis. One of the hot topics within the Alevi movement is the fragmented nature of the Alevi movement. Having an imposed conceptualisation of religion, different segments of Alevis founded associations to advocate for a single voice for ‘the Alevis’ rights’ and hence for a collective voice. It is further interesting that the same cadre that were affiliated with the leftist ideologies, founded associations to defend a uniform Alevi voice. In the following section, I examine the problem about the efforts to find this voice as opposed to the inherently diverse nature of Alevi voices. In the following section, I discuss how the process of Turkey’s accession to the EU has brought in European framework which facilitated conceptualizing Alevis’ difference as a matter of religious freedom.

The same cadre, who were affiliated with the leftist ideology prior to 1980s, founded associations to defend the rights of Alevis collectively. In this connection to the diversity in terms of the Alevi traditions, Massicard summarises the three main currents within the Alevi movement thus: one current is mainly established and run by a group trying to secure the transmission of the Alevi traditions by producing knowledge about the Alevi performances such as *cem*, *semah*, and *deyiş/nefes* within the given politico-legal structure. These are mainly old-*dergah* organizations such as Şahkulu Dergahı and HBVKV. The second current is represented by PSAKD and ABF, which are more connected with the diaspora Alevi movement (AABF) and more active in politico-legal mechanisms. For example, the first case dealt with by the ECtHR, *Hasan and Eylem Zengin v Turkey*,⁴⁷¹ was brought through the efforts of PSAKD members, demonstrating its willingness to adopt legal strategies. The third current is represented by CEM, under the leadership of İzzettin Doğan, whose authority is based on being an international law professor in Galatasaray University, a reputable university in Turkey, as well as being a *dede* himself, a member of a *dede* family within the *ocak*-structure. Like

⁴⁷⁰ S. N. Balagangadhara, ‘On the Dark Side of the “Secular”’: Is the Religious-Secular Distinction a Binary?’ (2014) 61 (1) *Numen* 33-52.

⁴⁷¹ *Hasan and Eylem Zengin v. Turkey* App no: 1448/04 (ECtHR, 9 October 2007).

PSAKD, CEM is active in the politico-legal field. The latest controversial case, *Doğan and others v Turkey* was taken to the ECtHR by CEM and Doğan himself.⁴⁷²

The difference between PSAKD and CEM is in their conceptualisation of Alevism in terms of its relation to Islam, its history, teachings and practices. In fact, Ertan considers the PSAKD and CEM as representing two strong opposite poles in the formation of the Alevi movement when he suggests that the boundaries of the politics of the Alevi movement were drawn by CEM and PSAKD.⁴⁷³ In referring to Nancy Fraser, he differentiates the two different positions taken by CEM and PSAKD as affirmative and transformative approaches with respect to the relation between state and religion. Representing the affirmative approach, CEM tries to engage Alevism to fit in the existing framework. In my opinion, CEM tailors a specific Alevism, as a Sufi tradition or *mezhep* (sub-denomination) analogously equal to Sunni Islam. Similarly, it demands the reorganization of the Diyanet and reform of religious education as well as granting *cemevi* the status of place of worship.⁴⁷⁴ Unlike CEM, PSAKD adopts the transformative approach. That is, it aims to transform the very foundation of the relation between state and religion. For example, it seeks the abolition of the Diyanet and compulsory religious education, while not holding a particular view on the status of *cemevi*. Indeed, this difference between the organisations can be seen in the court cases that they have brought to the ECtHR. This will be discussed further in the following section.

In this section, I aimed to explore the dynamics that led to the emergence of transnational Alevi movement. In this vein, I described how Alevis began establishing village associations in 1960s for community needs such as funerals or *cem* rituals. I then described how the leftist ideology brought about a strong tendency among young Alevis to reject their traditions as source of exploitation. These developments provide the background for understanding the emergence of transnational Alevi movement. In the following section, I describe how the policies following the Coup together with Turkey's EU

⁴⁷² *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016).

⁴⁷³ Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletişim 2017) 227.

⁴⁷⁴ See Chapter 5 where CEM brought these claims to the ECtHR: *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* App no. 32093/10 (ECtHR, 2 December 2014). *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016).

accession process gave a different direction to the emergence of a transnational dimension to the Alevi movement. The difference between the transnational Alevi movement and the Alevi activity before this era is that the former was organised in order to be a voice for Alevis as a collective identity in religious terms and to make demands in parallel. In this connection, Alevis realised the importance of legal recognition as a religious community in the politico-legal system, albeit one that treats their difference only in religious terms.

4. 5. The Process of Turkey's Accession to the EU and the Alevi Movement

The process of Turkey's accession to the EU impacted on the conceptualisation of Alevism and advocacy of the Alevi movement. In 2000, the representative of the EU on Turkey's accession, Karen Fogg, had separate meetings only with CEM and PSAKD to discuss the recognition demands of Alevis.⁴⁷⁵ In this connection, Ertan points out the change in PSAKD's language and conceptualisation of Alevism. For PSAKD, to discuss whether Alevism is within Islam or not is to disregard the rich syncretic nature of Alevism and to imprison it into only one of its constitutive elements: Islam. But according to PSAKD, Alevism is the result of the class struggle in the Middle Ages and an ideology of the oppressed.⁴⁷⁶ In this regard, there is a tendency to make claims for Alevism as a religion in order to be involved in the EU talks, not only by CEM but also by PSAKD.⁴⁷⁷ In parallel, PSAKD's emphasis on Alevism as a way of life and culture shifted towards a system of belief.⁴⁷⁸ The head of PSAKD in the 2000s, Ali Balkız, criticised the EU reports on Turkey for defining Alevis as "non Sunni Muslim community" and also for implying that Alevis demand public religious services from the Diyanet, teaching Alevism in religious education and financial support from the state for faith-related activities by comparing Alevis with Sunnis.⁴⁷⁹ Disagreeing with the definition provided by the EU, Balkız stressed that the EU was mistaken to define

⁴⁷⁵ Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletişim 2017) 192-201.

⁴⁷⁶ Ibid 182.

⁴⁷⁷ Ibid 226.

⁴⁷⁸ Ibid.

⁴⁷⁹ Ali Balkız, *Kent Koşullarında Sosyolojik Olgu Olarak Alevilik* (Alev Yayınları 2007) 37-39.

Alevism and that Alevis' only demand is laicism, meaning the state's non-interference in religious matters.⁴⁸⁰

Another aspect of the EU-Turkey relations on Alevis' recognition demands concern the legal regulations on establishing Alevi associations.⁴⁸¹ Alevis began to be organized in an increasingly concerted way following the Sivas massacre, as described at the previous section. These organizations were established as cultural centres or foundations without connotations to Alevism in their constitutions and names. Thus, they generally adopted names such as Hacı Bektaş or Pir Sultan Abdal Cultural Centre. Nevertheless, some of these associations were prosecuted, either under Article 5 of the Law on Associations⁴⁸² or Article 74 of the Civil Code⁴⁸³ that prohibit the founding of organizations for the promotion of religion or sect. In general, these associations, which were brought before the court on the grounds of the relevant law, were able to succeed in overturning any adverse decisions ordering their closure on appeal. However, success in this respect was conditional on a strong emphasis on the cultural side of their activities, avoiding reference to Alevism or ignoring it altogether.⁴⁸⁴ For instance, in 1995 when the CEM Vakfı appealed a court decision banning its foundation, it highlighted that the aim of the foundation is "to study Alevi culture scientifically as a part of Anatolian culture." The Supreme Court of Appeal (Yargıtay) overruled the first-instance court's decision to outlaw the

⁴⁸⁰ Ibid.

⁴⁸¹ Mehmet Ertan, *Aleviliğin Politikleşme Süreci* (İletisim 2017) 218-219.

⁴⁸² Dernekler Kanunu, Law no. 2908 (06.10.1983). Article 5 states that it is forbidden to found an association for the purpose of engaging in any activity on the grounds of or in the name of any region, race, social class, religion or sect. The original text in Turkish is as follows:

"Madde 5 - Anayasanın başlangıç kısmında belirtilen temel ilkelere aykırı olarak dernek kurulamaz;

1. Türk Devletinin ülkesi ve milletiyle bölünmez bütünlüğünü bozmak,
2. Dil, ırk, sınıf, din ve mezhep ayrımına dayanılarak nitelikleri Anayasada belirtilen Türkiye Cumhuriyetinin varlığını tehlikeye düşürmek veya ortadan kaldırmak,
3. Anayasadaki temel hak ve hürriyetleri ortadan kaldırmak,
4. Kanunlara, milli egemenliğe, milli güvenliğe, kamu düzenine ve genel asayişe, kamu yararına, genel ahlaka ve genel sağlığın korunmasına aykırı faaliyette bulunmak,
5. Bölge, ırk, sosyal sınıf, din ve mezhep esasına veya adına dayanarak faaliyette bulunmak,
6. Türkiye Cumhuriyeti ülkesi üzerinde, ırk, din, mezhep, kültür veya dil farklılığına dayanan azınlıklar bulunduğunu ileri sürmek veya Türk Dilinden veya kültüründen ayrı dil ve kültürleri korumak, geliştirmek veya yaymak suretiyle azınlık yaratmak veya herhangi bir bölgenin veya ırkın veya sınıfın veya belli bir din veya mezhepten olanların diğerlerine hakim veya diğerlerinden imtiyazlı olmasını sağlamak."

⁴⁸³ Medeni Kanun, Law no. 743 (17.02.1926), Article 74 para 2 reads in Turkish: "Kanuna, ahlaka ve adaba veya milli menfaatlara aykırı olan veya siyasi düşünce veya belli bir ırk veya cemaat mensuplarını desteklemek gayesi ile kurulmuş olan vakıfların tesciline karar verilemez."

⁴⁸⁴ Lütfü Kaleli, *Alevi Kimliği ve Alevi Örgütlenmeleri*, (Can 2000).

foundation based on this cultural aspect of the foundation's activities, justifying the decision by stating, inter alia, that *semah* is merely an Anatolian cultural dance.⁴⁸⁵

The Alevi Bektaşî Federation (ABKB), which was established in 2001, declared itself as a cultural organisation openly through its use of the names 'Alevi' and 'Bektaşî'.⁴⁸⁶ This was an important challenge as up until the foundation of ABKB, the Alevi organizations avoided using these terms and instead had to present themselves as cultural organizations promoting folkloric aspects of Turkish culture such as *semah*. Furthermore, Art 2 and 3 of its constitution asserted:

Art 2: the aim of the association: to cherish and promote the study of the Alevi-Bektaşî culture and teaching;

Art 3: the activities of the association: (1) carrying out works for the recognition, free expression and legal protection of Alevi-Bektaşî culture and teaching. (4) [...] opens, constructs and supports the construction of *cemevi*.

The Law on Associations prohibits the establishing of foundations based on religion, race, class, language that indicate separatist tendencies for the Turkish nation.⁴⁸⁷ The Ministry of the Interior (MOI) and the public prosecutor both considered Alevism within the fold of Islam in light of the opinion of the Diyanet (1999). The Diyanet considered *cem* rituals as nothing more than musical entertainment (*sazlı sözlü*) gatherings and advised that allowing *cemevi* would damage the unity of the nation since the only worshipping place of Islam is the mosque. In consequence, MOI and the public prosecutor objected to Article 2 and 3 of the ABKB constitution on the grounds of Article 5 of the Law on Associations.⁴⁸⁸ The prosecutor accused the founding members of the ABKB of being separatists and demanded the organization's closure since Article 5 of the Law on Associations outlawed the establishing of associations that might risk religious or sectarian separation of the country.⁴⁸⁹ In contrast to the arguments of the public prosecutor and MOI,

⁴⁸⁵ Yargıtay 18. Hukuk Dairesi, E. 1995/717, K. 1995/1097 (31.01.1995).

⁴⁸⁶ See Chapter 3 for the connection between Alevi and Bektaşî communities.

⁴⁸⁷ Dernekler Kanunu, Law no. 2908 (06.10.1983).

⁴⁸⁸ Ibid.

⁴⁸⁹ Ibid Article 2- pose a threat to the existence of the Republic of Turkey by supporting separation [...] religion and/or sect; Article 5- to conduct activities based on the essence [...] religion and/or sect; Article 6- to advocate the existence of minorities and create minorities based on [...] religion, sect".

in its defence at the court, the ABKB stated that Alevism is neither a religion nor a sect. This statement was embellished by two Alevi sayings: “Love is our religion, we don’t believe in other religions”; and ‘we are not a sect, we have our path’. However, the Ankara 2nd Civil Court of First Instance (Asliye Hukuk Mahkemesi) grounded its decision on the opinion of the Diyanet and MOI on Alevism, as an Islamic tradition, even though the Ministry of Culture provided a different view, considering Alevism as part of the rich culture of Anatolia (*kültürel zenginlik*).⁴⁹⁰ The Court considered Alevism as ‘a sect and culture’ of Islam, thereby placing the constitution of the ABKB in breach of the relevant legislation with the effect that the association should be closed down.

The founders of ABKB appealed the decision. The Supreme Court of Appeal (Yargıtay) overturned the first-instance court’s ruling.⁴⁹¹ In the wake of this decision, the ABKB prepared a declaration for its consideration of Alevism and submitted it to the Supreme Court of Appeal. The declaration completely rejected claims that Alevism lay in the realm of religion and merely stated that Alevism is aimed at promoting a culture, which was born in Anatolia. In overturning the decision to ban the ABKB, the Supreme Court of Appeal did not discuss whether Alevism is a sect, religion or culture. Rather, it ruled that the nature of the activities of the ABKB were not dangerous to national integrity. Despite the appeal decision, the public prosecutor insisted on standing by the opinion that the Alevi constitute a sect different to the Sunni and thus, the ABKB poses a threat to national integrity. Yet, the first-instance court allowed the establishment of the ABKB in its second consideration when the case was returned following the ABKB’s successful appeal.⁴⁹²

The decision of the Supreme Court of Appeal was issued in 2002 and coincides with the first EU report on Turkey where the Law on Associations with respect to this case specifically was criticized. The 2002 EU report stated that:

In February the Cultural Association of the Union of Alevi and Bektaşî Formations [ABKB] was dissolved on the grounds that, according to Articles 14 and 24 of the Constitution, and Article 5 of the Law on Associations, it was not possible to found an association by the name of Alevi or Bektaşî, which refer to Muslim religious communities.

⁴⁹⁰ Ankara 2. Asliye Hukuk Mahkemesi, E. 2001/654; K. 2002/59.

⁴⁹¹ Yargıtay 18. Hukuk Dairesi, E. 2002/9706, K. 2002/11660.

⁴⁹² Ankara 2. Asliye Hukuk Mahkemesi, E. 2002/930, K. 2003/104.

Following an appeal by the association, the case is pending before the Supreme Court.⁴⁹³

In this regard, it could be suggested that the decision reflected the politico-legal conjecture. Indeed, during the EU negotiations, the situation of Alevi became a criterion to evaluate religious freedom in Turkey.⁴⁹⁴

The substantive point with respect to talks on Turkey's accession to the EU is its influence on the Alevi movement that leans more on identification as a faith community and that formulates claims on religious freedom. The Turkish *laiklik* and its courts of law consider Alevism as an inner-Islamic richness within Sunni fold. By addressing Alevi as a non-Sunni Muslim community, the EU accession process has supported the formation of Alevi's advocacy of religious freedom, while clashing with Turkish *laiklik*. Although the European framework alleviates the pressure of assimilation on Alevi, it nonetheless remains limited insofar that Alevi's difference is transformed into a religious difference. In a response to these imposed frameworks, the positioning of Alevi took shape in formation of the transnational Alevi movement which gradually evolved into rights advocacy as a religious community. Since 2004, with the amendment in Article 90 of the Constitution, as part of harmonisation Turkish legal system with the EU, Alevi have taken recourse to the advocacy at the ECtHR. The two important areas where this advocacy has focused are religious education and the status of *cemevi*. Although the Alevi activism at the ECtHR is analysed in detail in Chapter 5, following two sections look into the current situation in Turkey in terms of the status of *cemevi* and the compulsory religious education.

4. 6. The Legal Status of *Cemevi*

Cemevi can be translated as the house of *cem* or gathering house. Historically Alevi rituals used to be performed in large village houses, in a

⁴⁹³ Commission of European Union, 'Regular Report on Turkey's Progress towards Accession' (2002) 37, available at https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2002.pdf (accessed 19 April 2020).

⁴⁹⁴ Ali Çarkoğlu and Nazlı Çağın Bilgili, 'A Precarious Relationship: The Alevi Minority, the Turkish state and the EU' (2011) 16(2) South European Society and Politics 351-364.

section of the *dede*'s house and *dergah*.⁴⁹⁵ With the closure of these *dergah* and the banning of the title of *dede* in the post-Republican era by Law no. 677, along with urban migration, the Alevi lacked places to conduct their communal rituals. In addition, Law no. 677 also outlawed the conducting of *cem* rituals. Gül recounts an interesting anecdote that highlights this approach: in 1981, soon after the 1980 Military Coup, a group of Alevis in Bergama (Izmir province) were reported by members of a neighbouring Sunni village and taken into custody on the charge of violating Law no. 677. When they explained they were conducting a *cem* ritual, the prosecutor advised them to 'correct' their phrasing from "conducting a *cem* ritual" to "organizing a hayır yemeği (charity meal) gathering." Since *cem* concludes with a common meal, this rephrasing alone was enough to have the charges immediately dropped.⁴⁹⁶

Moreover, in the urban setting, Alevis used to be confronted by Sunnis for their non-attendance at mosques.⁴⁹⁷ One of the *dede* who participated in this research mentioned funeral rituals as the main driving force for establishing *cemevi*. In the absence of a place for their funerals, Alevis had to take the deceased to mosques. Instead of Alevi funeral rituals, the burial used to be conducted under the guidance of imams, according to the Islamic tradition.⁴⁹⁸ This would create an odd situation, where imams used to complain that Alevis visited the mosque only for their deceased. Indeed, *cemevi* are not places where only the *cem* ritual is conducted. They serve as more of a community centre for Alevis. All the participants were of the opinion that the *cemevi* is more than a 'place of worship'. Its functions are multiple, including the conducting of *cem* rituals, *muhabbet* rituals, funeral rituals, offering *bağlama* and *semah* courses, cooking and sharing food as well as discussing community matters.

In addition to its functions for Alevi communities, the recognition of *cemevi* as a place of worship is important for two reasons. As already mentioned, the Alevi have come into closer contact with the state and with

⁴⁹⁵ Nejat Birdoğan, *Alevilik Anadolunun Gizli Kültürü* (Inkilap 2015) 290-292.

⁴⁹⁶ Zeynel Gül, *Yol muyuz Yolcu muyuz?* (Can 1995) 38.

⁴⁹⁷ Fieldwork observations and also see Murat Es, 'Alevis in Cemevis: Religion and Secularism in Turkey', in Irene Becci, Marian Burchardt, Jose Casanova (eds) *Topographies of Faith: Religion in Urban Spaces* (Brill 2013) 25- 43.

⁴⁹⁸ Besim Can Zırh, 'Following the Dead Beyond the 'Nation': A Map for Transnational Alevi Funerary Routes From Europe to Turkey' (2012) 35 (10) *Ethnic and Racial Studies* 1758-1774.

Sunnis in urban settings. The problems that result from increasing contact between Sunni Muslims and Alevis in this context have been apparent. Alevis are often confronted with the questions: "while we have a mosque, what do you have?", "if you are Muslim, why don't you come to the mosque?", "what is Alevism?" and so on. Bearing in mind the proselytising processes of religions, as discussed in Part I through the conversion process of traditions into variants of religion, Alevis have two options: either to accept the mosque as their place of worship or establish their own because of the underlying assumption that every culture has a religion and every religion has a place of worship. Whether as a system of belief or an Islamic Sufi tradition, the conceptualisation of Alevism has been strongly situated in relation to the Islamic framework. Scholars often stress negations embedded in the self-descriptions of Alevis about their traditions, with respect to Sunni Islam.⁴⁹⁹ Sökefeld observes in his fieldwork with Alevis that Alevis' self-identification is grounded on a comparison with Sunni Islam.⁵⁰⁰ Similarly, during *cem* rituals I attended, I witnessed different *dede* explaining Alevism in opposition to Islam.⁵⁰¹ This strategy is not new, nor did it emerge only in the context of migration.⁵⁰² Murat Es for instance emphasises this aspect of the conceptualisation of *cemevi* in particular and Alevism in general. Based on his fieldwork on *cemevi* in Istanbul, he suggests,

Just like Alevism is defined on the basis of what it "lacks" in comparison to Sunnism, *cemevi* is defined according to what they "lack" compared to mosques. [...]Consequently, they have become increasingly similar to what mosques signify for Sunni communities: places of worship.⁵⁰³

⁴⁹⁹ Martin Sökefeld, 'Alevis in Germany and the Politics of Recognition' (2003) 29 *New Perspectives on Turkey* 133-161; Murat Es, 'Alevis in Cemevis: Religion and Secularism in Turkey', in Irene Becci, Marian Burchardt, Jose Casanova (eds) *Topographies of Faith: Religion in Urban Spaces* (Brill 2013) 25- 43.

⁵⁰⁰ Martin Sökefeld, 'Alevis in Germany and the Politics of Recognition' (2003) 29 *New Perspectives on Turkey* 133-161.

⁵⁰¹ For example, during a *cem* ritual, a *dede* said that Islam is governed with the same rules for thousand years, whereas Alevism is not like that; but carried its essence to today by updating itself. "İslam 1000 sene önceki kurallarla yönetiliyor. Ama Alevilik farklı; Alevilik yasama kendini uyarlayarak özünü bu güne tasimistir. Bu modern topluma kendini en iyi uygulayan inanc Alevilik." (12 Feb 2015, London)

⁵⁰² Martin Sökefeld, *Struggling for Recognition: The Alevi Movement in Germany and in Transnational Space* (Berghan Books 2008) 94.

⁵⁰³ Murat Es, 'Alevis in Cemevis: Religion and Secularism in Turkey', in Irene Becci, Marian Burchardt, Jose Casanova (eds) *Topographies of Faith: Religion in Urban Spaces* (Brill 2013) 25-43, 38.

While Es' critique of transformation of *cemevi* is convincing, still *cemevi* is different from mosque in many respects, such as conducting rituals which includes music and dance as well as community gatherings of both sexes.

The construction of *cemevi* has increased since the 1990s Alevi revival. According to Salman, while there were 106 *cemevi* before 1990, the number reached 169 in 2000 and 937 in 2012.⁵⁰⁴ Currently because Law no. 677 is not actively applied to prosecute these *cemevi*, they can operate openly and conduct *cem* rituals without facing prosecution. For example, at the hearing in the case of *Dogan and others v Turkey* before the ECtHR, the Turkish Government argued that Law no. 677, which had been enacted in the wake of the proclamation of the Republic, was no longer applied.⁵⁰⁵ Although Law no. 677 is not actively applied to prevent the construction of *cemevi* or destroy them, it remains the main impediment to legalising the construction of *cemevi*.

The place of worship has a specific status in the Turkish legal system. Article 3 of Regulation no. 2/1958 of the Council of Ministers, enacted in 1935 implementing the law governing the wearing of certain dress, provides a limited definition for places of worship in the following: "Places of worship (*mabedler*) are closed areas created in accordance with the relevant procedure and designed in the case of each religion for the practice of religious worship."⁵⁰⁶ Despite lack of a procedure for being granted place of worship status, places of worship are exempted from various taxes and their electricity bills are provided from Diyanet's budget, while urban development plans include provisions for construction of places of worship. The decision no. 2002/4100, adopted by the Council of Ministers implementing Law no. 4736 regulates the tax exemption of places of worship (includes in parenthesis- mosque, church and synagogue).⁵⁰⁷ In addition, according to Article 4 (f) of

⁵⁰⁴ Cemal Salman, 'Space as an Identity Struggle and Intervention Symbol at Urban Areas: Djemevis in Turkey' (2015) 4(1) Humanities and Social Sciences Review 305-314, 312.

⁵⁰⁵ *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016) para 84.

⁵⁰⁶ Bakanlar Kurulu, Decision no. 2/1958 (18.02.1935), implementing Bazı Kisvelerin Giyilemeyeceğine Dair Kanun, Law no. 259 (13.12.1934).

⁵⁰⁷ Bakanlar Kurulu, Decision no. 2002/4100 (23.05.2002), implementing Law no. 4736, Madde 2 "Aşağıda belirtilen [elektrik abone grubunda yer alan] (kişi ya da kurumlar, bu Kararın 3üncü maddesinde belirtilen koşullar çerçevesinde 4736 sayılı Kanunun 1inci maddesinin birinci fıkrası hükmünden muafır: (...) e) Hayır kurumları, dernekler, vakıflar, müzeler, resmi okullar (...), f) İbadethaneler (camiler, mescitler, kiliseler, havra ve sinagoglar) (...). Madde 3 Bu kararın 2inci maddesinde belirtilen abone gruplarına uygulanacak tarifeler aşağıdaki usullere göre belirlenir: (...) e) Hayır kurumları, dernekler, vakıflar, müzeler, resmi okullar (...) abone grubu için, adı geçen gruba uygulanan ortalama satış fiyatı ile mesken abone grubuna uygulanan aylık ortalama satış fiyatı arasındaki fark kilowatt-saat başına 15 TL'yi geçemez (...) f) (...)

the Property Tax Law, places of worship are granted tax exemption.⁵⁰⁸ Article 36 of the Municipal Revenues Law grants tax exemption from electricity bills of “places of worship such as mosque, masjid, church and synagogue,” while Article 44 grants exemption from environmental cleaning tax.⁵⁰⁹ Additional to the same law, Article 2, also grants exemption from building and construction taxes for places of worship.⁵¹⁰

The construction of places of worship subject to provisions in urban development plans. The Zoning Law that used to reserve a place for construction of mosque in development plans, was amended in 2003 within the framework of the EU harmonization policies. In the amended law, the word ‘mosque’ was supplanted with ‘place of worship’, with ‘mosque, church or synagogue’ added in parentheses.⁵¹¹ Even though *cemevi* were still not legally recognised as places of worship, this change in legislation paved the way to advocate for their recognition as such. In 2004, a group of Alevis established the Çankaya Association for Founding Cemevis. However, its constitution was subjected to scrutiny by the Turkish authorities. Article 2 of its constitution states: “the aim of the association is to found *cemevi*, which is the centre of belief and worship of Alevi citizens, who live in Sincan,” while Article 4/a reads “to found *cemevi* that is the centre of Alevi belief and worship” and Article 4/b follows “to initiate constructing *cemevi* in places where Alevi citizens live, according to the land allocation for places of worship in zoning law.” The governorship of Ankara, instead of confirming the foundation’s application, asked the opinion of the Interior Ministry about its constitution. In the process, the Interior Ministry requested the opinion of the Diyanet on *cemevi*. The Diyanet stated that Alevisism is an interpretation of Islam and the only places of worship are mosques and thereby a *cemevi* could not be

ibadethanelerin elektrik enerjisi yıllık giderleri de Diyanet İşleri Başkanlığının takip eden yılı bütçesine konulacak ödeneklerden sağlanır (...).”

⁵⁰⁸ Emlak Vergisi Kanunu, Law no. 1319 (29.07.1970).

“Aşağıda yazılı binalar, (...) Bina Vergisinden daimi olarak muaftır (...): (...)g) Dini hizmetlerin ifasına mahsus ve umuma açık bulunan ibadethaneler ve bunların müştemilatı (...).”

⁵⁰⁹ Belediye Gelirleri Kanunu, Law no. 2464 (26.05.1981).

“Aşağıdaki yazılı yerlerde ve şekillerde tüketilen elektrik ve havagazı vergiden müstesnadır: (...) 2. Dini hizmetlerin ifasına mahsus ve umuma açık bulunan cami, mescit, kilise ve havra gibi ibadethanelerde (...).”

⁵¹⁰ Belediye Gelirleri Kanunu, Law no. 2464 (26.05.1981) Ek Madde 2 – (Ek: 21/1/1982 - 2589/1 md.) “Aşağıdaki bina inşaatları bina inşaat harcından müstesnadır: (...) f) Dini hizmetlerin ifasına mahsus ve umuma açık bulunan ibadethaneler (...).”

⁵¹¹ İmar Kanunu, Law no. 3194 (03.05.1985) First Add. Clause was amended by Law no. 4928 (19.07.2003).

considered as a place of worship.⁵¹² Based on the Diyanet's opinion that a *cemevi* cannot be a place of worship, the Governorship asked the foundation to make amendments in Article 2, 4/a and 4/b of its constitution that indicate *cemevi* as a place of worship. Instead, the Governorship suggested it be replaced with "to found *cemevi* for cultural purposes" (*kültürel amaçlı cemevi yapmak*).⁵¹³

The foundation insisted on not making the requested amendments three times. In its response to the Governorship, the foundation argued that *cemevi* is the place of worship for Alevi citizens.⁵¹⁴ Upon the third refusal, the Governorship of Ankara applied to the general prosecutor to have the Çankaya Association for Founding Cemevis closed down, on the grounds that it had not made the necessary amendments to its constitution. The 16th Civil Court of First Instance rejected the case, ruling that the constitution did not violate the law and that determination of what counts as religious worship or a place of worship by the state was not compatible with the principle of *laïcité*.⁵¹⁵ However, the Supreme Court of Appeal (Yargıtay) overturned the decision on the grounds of Law no. 677 and 633, limiting places of worship to mosque and *masjid*.⁵¹⁶ After the first-instance court maintained its decision, the case was examined by the Yargıtay Grand Civil Chamber (Yargıtay Hukuk Genel Kurulu), the highest civil chamber of Yargıtay, that decided on 3 December 2014 that including the phrase "*cemevi*, which are places of worship for Alevi citizens", does not contravene the law and as such the constitution of the foundation was compatible with law.⁵¹⁷

It is also interesting to note that this decision came one day after the ECtHR's judgment on *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı (CEM) v. Turkey* on the status of *cemevi*, where the ECtHR found Turkey in violation of Article 14 in relation to Article 9 for not providing the same benefits which are provided to 'places of worship', to Yenibosna Cemevi.⁵¹⁸ This judgment is

⁵¹² Diyanet, Opinion no. 2004/1773 (17.04.2004).

⁵¹³ For all legal documents related to this case, see Ali Yıldırım, 'Çankaya Cemevi Davası' (2015) January-February (33) Yol Dergisi 79-126..

⁵¹⁴ Ibid.

⁵¹⁵ 16. Asliye Hukuk Mahkemesi, E. 2010/492, K. 2011/316 (04.04.2011).

⁵¹⁶ Yargıtay 7. Hukuk Dairesi, E. 2012/262, K. 2012/3351 (10.05.2012).

⁵¹⁷ Yargıtay Hukuk Genel Kurulu, E. 2014/71038, K. 2014/990 (03.12.2014).

⁵¹⁸ *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* App no 32093/10 (ECtHR, 20 June 2017).

examined in Chapter 5 in detail. However, the timing of these two decisions indicates that the Court of Appeal might consider the ECtHR judgment on the status of *cemevi*. The decisions of the ECtHR and the Court of Appeal (Yargıtay) in December 2014 facilitated CHP (the main opposition party) municipalities' support for the construction of *cemevi*. For example, the CHP announced that almost a hundred municipalities regarded *cemevi* as places of worship, on the legal grounds of the ECtHR's decision.⁵¹⁹ However, such an approach has not been systematically adopted by all the municipalities governed by the CHP. Therefore, the current situation regarding the legal status of *cemevi* continues to remain at the discretion of individual administrations.

The procedure for constructing a place of worship is as follows: according to the Zoning Law, certain areas are designated as places of worship. In parallel, the municipalities are charged with land allocation in line with the zoning plans. Since *cemevi* is not mentioned clearly in the provisions for places of worship, they are often denied land allocation. Governorships and sub-governorships are charged with allocating land for places of worship, according to the Zoning Law. Since they do not yet regard *cemevi* as a place of worship, no *cemevi* benefits from land allocation with respect to the Zoning Law. This results in illegal construction of *cemevi*. Municipalities govern the land allocation for places of worship and therefore hold a wide range of discretion. This is the micro level, where Alevi activism for recognition and construction of *cemevi* is concentrated. In particular, municipalities led by the CHP, which is historically supported by the Alevi, tend to facilitate the construction of *cemevi* as cultural houses. Even this ad-hoc solution may require Alevi activism. The land allocation of the PSKAD Batıkent Cemevi is such an example. This *cemevi* was not constructed by the municipality. It is located in one of the neighbourhoods with the highest population of Alevis in Ankara. Therefore, PSKAD asked the mayor to convert a park where there is a small construction into a *cemevi*. When they were refused, they occupied the park and constructed a small place for a *cemevi*. After a court process and the intervention of political figures, the mayor was obliged to make amendments

⁵¹⁹ 'Ağbaba: 100 Cıvırı Belediye Cemevlerine İbadethane Statüsü Verdi' *Bianet* (Ankara, 6 Feb 2015), available at <http://bianet.org/bianet/ifade-ozgurlugu/162094-agbaba-100-civari-belediye-cemevlerine-ibadethane-statusu-verdi> (accessed 29 February 2020).

in the grant of the land and legalised it.⁵²⁰ I was told that the Alevi stood guard day and night in the premises to protect it against the municipal police.⁵²¹

During my fieldwork, I got the impression that municipality staff were not clear about the procedure for constructing a place of worship. I visited different *cemevi*: both the *cemevi* that was constructed and is administered by the Çankaya municipality; the *cemevi* that was constructed by Yenimahalle municipality but its administration was given to an Alevi charity that was founded specifically for administering this *cemevi* as well as the *cemevi* that was managed solely by Alevi's own initiatives. Neither the staff in *cemevi* nor in the municipality were able to describe to me how the official procedure for constructing a *cemevi*, that is officially permissible, would be possible. Indeed, during my visit, I was referred to different units within the municipality, as no one was sure about it. The staff were attentive, searching for and reading relevant sections on regulations from their cabinet, but eventually they advised me to get an appointment with the mayor of Ankara. At the time I asked for an appointment, the mayor was not available. However, my experience of searching for a clear pathway for *cemevi* constructions is itself indicative that construction of *cemevi* is not subject to transparent rules, and appears to occur at the discretion of municipalities.

As explained above, *cemevi* is a recent construct for Alevis. The political and legal framework of Turkish *laiklik* adversely affected conducting Alevi rituals. In addition to this, Alevis' migration from rural setting where the traditional Alevi ties were forged through *ocak* systems, to urban setting urged the need for a shared place for conducting the Alevi rituals and community gatherings. *Cemevi* also provided Alevis to respond to the pressure on going to mosque. As explained above, Alevis are considered as an Islamic tradition with remnants of Central Asian Turkish culture. As the only designated place of worship in Turkey is mosque in Turkey, Alevis try to avoid the pressure on going to mosque, by pointing to *cemevi*, as their place of worship. Moreover,

⁵²⁰ Ankara Büyükşehir Belediye Meclisi (Ankara General Municipality Council), Decision no. 1279 (12.08.2014) confirmed the amendment in the zoning plan and thus the mentioned parcel was allocated to PSAKD Yenimahalle Branch for Cemevi and Culture and Education Centre (Cemevi ve Eğitim Kültür Merkezi).

⁵²¹ Fieldwork in Ankara, between September 2015 and February 2016. In addition to the people in the *cemevi* and from the Alevi movement that told me this story, I also encountered Alevis on the bus on my way to the *cemevi* who told me that they acted as guards.

the generous benefits given to the place of worship presented an opportunity for the Alevi movement to advance claims for gaining recognition for *cemevi* as place of worship. Yet the ECtHR success in the case of *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* which is examined in detail in Chapter 5, has not yet yielded a change in the Turkish legal system to consider *cemevi* a place of worship. However, this successful advocacy for recognition *cemevi* as place of worship at the ECtHR encouraged some municipalities to allow *cemevi* in their administration to benefit from advantages that are in place for places of worship. In the following section, I look at Alevis' advocacy in relation to compulsory religious education.

4. 7. Compulsory Religious Education

The 1982 Constitution also put into effect compulsory religious education throughout both primary and secondary education (Article 24). It is interesting that Article 24 also safeguards freedom of religion and conscience.⁵²² Additionally, Article 12 of the State Education Act (Law no. 1739 of 24.06.1973) provides that “*laiklik* shall be the basis of Turkish national education. Religious culture and ethics shall be among the compulsory subjects taught in primary and upper secondary schools, and in schools of these levels.” Compulsory religious education is seen as fully compatible with the principle of *laiklik* and freedom of religion. This constitutional development is part of a larger political change that the Coup government initiated in Turkey, also referred to as the ‘Turkish Islamic synthesis.’⁵²³ It indicates a process triggered

⁵²² VI. Freedom of religion and conscience

Article 24- Everyone has the freedom of conscience, religious belief and conviction.

Acts of worship, religious rites and ceremonies shall be conducted freely, as long as they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Religious and moral education and instruction shall be conducted under state supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political interest or influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.

⁵²³ Ahmet Erdi Öztürk, ‘Turkeys Diyanet under AKP Rule: From Protector to Imposer of State Ideology?’ (2016) 16(4) Southeast European and Black Sea Studies 619-635.

by the Coup to take political and legal steps to substantiate a state ideology centred around the imagined citizen of Turkey being a Muslim and Turk.⁵²⁴

The right to exemption from compulsory religious education was given to the religious minorities at minority schools, established in the Treaty of Lausanne. Additionally, on 9 July 1990, the Supreme Council for Education introduced a regulation that extended the exemption from compulsory religious education to Christian and Jewish students at state schools.⁵²⁵ However, Turkmen mentions about another decision circulated two year later in 1992 where the ministry specified that non-Muslim students would not “be responsible for chapters concerning Islamic practices, neither for prayers nor for suras taught in the course.”⁵²⁶ This decision, however, was not mentioned in the court cases that I examined and in the ECtHR cases. Therefore, the 1990 decision of the Supreme Council is taken as a basis for exemption from compulsory religious education.

Although the legislation on religious education is couched in general terms, regardless of a focus on a particular religion, Islamic teaching heavily influences the content of these lessons.⁵²⁷ As a result, Alevi children are subjected to compulsory Islamic teaching during primary and secondary school education.⁵²⁸ As seen below in this section and in Chapter 5, Alevi parents have complained about compulsory religious education before the ECtHR, where Turkey was found in violation of Article 2 of Additional Protocol No. 1 of the ECHR. Despite these judgments, religious education remains compulsory without opting out for Alevi pupils and causes discomfort among the Alevi

⁵²⁴ Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017); Ceren Özgül, ‘Freedom of Religion, the ECtHR and Grassroots Mobilization on Religious Education in Turkey’ (2019) 12 (1) *Politics and Religion* 103–133.

⁵²⁵ Eğitim Öğretim Yüksek Kurulu Kararı, “Din Kültürü ve Ahlak Bilgisi Dersine Girme Zorunluluğu Olmayan Öğrenciler’ (09.07.1990), which states: “(...) azınlık okulları dışında kalan ilk ve orta öğretim okullarımızda öğrenim gören TC uyruklu Hristiyanlık ve Musevilik dinlerine mensup öğrencilerin; bu dinlerden birine mensup olduklarını belgelendirmeleri kaydıyla, Din Kültürü ve Ahlak Bilgisi Dersine girmelerinin zorunlu olmadığı, ancak bu derse girmek istedikleri takdirde velilerinden yazılı dilekçe getirmelerinin gerekli olduğu hususunun kabulü kararlaştırıldı.”

⁵²⁶ Buket Türkmen, ‘A Transformed Kemalist Islam or a New Islamic Civic Morality? A Study of “Religious Culture and Morality” Textbooks in the Turkish High School Curricula’ (2009) 29 (3) *Comparative Studies of South Asia, Africa and the Middle East* 381–397, 388.

⁵²⁷ See *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007); *Mansur Yalçın and Others v. Turkey* App no 21163/11 (ECtHR, 16 September 2014)

⁵²⁸ See further below my discussion, based on my fieldwork, about how Alevi parents come up with strategies to avoid problems with the compulsory religious education.

population.⁵²⁹ Therefore, it is one of the areas where the Alevi movement voices concerns. Following the ECtHR judgment on the case of *Eylem Zengin v Turkey*,⁵³⁰ domestic courts implemented the decision and ruled in favour of Alevi parents, who filed petitions for exemption of their children from compulsory religious education.⁵³¹ In these decisions, the courts cited the case of *Eylem Zengin*.⁵³² In the meantime, the Turkish Government implemented the ECtHR decision in *Eylem Zengin* by amending the curriculum. This was actually a partial implementation of the decision, since the ECtHR stated the necessity for proper opting out mechanisms for the state to respect parents' convictions. In addition to the lack of opting out mechanisms, the amendments of the curriculum did not bring in a 'neutral' curriculum. Instead, selective courses on more aspects of Islam and Prophet Muhammad were introduced.⁵³³ For instance, Turkmen examines the changes made in the curriculum of compulsory religious education between 1995 and 2007-2008, when the new curriculum was introduced. Her analysis indicates even greater emphasis given to Islam in the new curriculum. In comparison to the previous curriculum, the place given for religions other than Islam in the curriculum was shortened from 9 percentage to 6 percentage.⁵³⁴ The amended curriculum contains detailed descriptions of Islamic worships and their meanings with reference to verses from Quran.⁵³⁵ The amended curriculum also introduced few chapters on mystic interpretations of Islam, which constitutes only 4 percentage of the syllabus. This is where Alevism is integrated in the curriculum. Alevism is presented as 'mystic interpretation' of Turkish Sunni Islam. Additionally, the syllabus provides of love to Islamic figures, which puts Muhammad at top and

⁵²⁹ This observation is based on my fieldwork. I discuss this point more in the following Chapter, which examines the relevant ECtHR cases.

⁵³⁰ *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007).

⁵³¹ Danıştay 8. Daire (Council of State), E. 2006/4107, K. 2007/7481 (28.12.2007); İstanbul 5. İdare Mahkemesi (Administrative Court), E. 2005/2541, K. 2006/2285 (16.10.2006); Danıştay 8. Daire, E. 2007/679, K. 2008/1461 (29.02.2008); İzmir 1. İdare Mahkemesi, E. 2007/137, K. 2007/577 (17.05.2007); Danıştay 8. Daire, E. 2007/8365, K. 2009/3238 (15.05.2009).

⁵³² *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007).

⁵³³ Ayhan Kaya, 'Islamisation of Turkey under the AKP Rule: Empowering Family, Faith and Charity' (2015) 20 (1) South European Society and Politics 47-69, 57.

⁵³⁴ Buket Türkmen, 'A Transformed Kemalist Islam or a New Islamic Civic Morality? A Study of "Religious Culture and Morality" Textbooks in the Turkish High School Curricula' (2009) 29 (3) Comparative Studies of South Asia, Africa and the Middle East 381-397, 391.

⁵³⁵ Ibid 390.

asserts that this hierarchy is accepted by Alevis and Bektasis as well.⁵³⁶ As explained in Chapter 3 through the story of *cem* ritual and other Alevi traditions, Ali is considered as *insan-i kamil* (perfect human being). Additionally, the consideration of Alevism as a mystical interpretation resembles the Diyanet's view on Alevism, which is highly contested among Alevis. In this regard, the amendments in the curriculum raise questions about the implementation of the ECtHR decision on the case of *Hasan and Eylem Zengin*. While the Turkish government has not taken steps to introduce a comprehensive opting-out mechanism, the religious education has not addressed Alevis' concerns.

Following the amendments in the curriculum, the administrative courts or the Council of State as a court of appeal began to reject Alevi claims about the compulsory nature of religious education, on the grounds that the new curriculum secured impartiality and neutrality and was therefore not discriminatory against the Alevi.⁵³⁷ A precedent case that led to other negative decisions for Alevi applicants grounded its decision on an expert report. The court stated that:

The existing curriculum was removed with the decision of the board of education [Talim Terbiye Kurulu] [decision no. 410, date 28.12.2006] and the new curriculum was introduced for 2007-2008. The new curriculum follows an integrative approach centred around Quran and prophet Muhammad, not including sectarian differences [...] provides citizens the religious culture they need in line with the constitution and laws. Therefore, it secures religious education and not indoctrination. For these reasons, there is no conflict on the application of law.⁵³⁸

However, the cases to which I had access demonstrate a tension between the Administrative Court (İdare Mahkemesi) and the 8th division of Council of State (Danıştay). In some cases, an Administrative Court's decision in favour of Alevi parents was overturned by the Council of State on the grounds that the

⁵³⁶ Ibid 389-392.

⁵³⁷ Samsun 1. İdare Mahkemesi, E. 2009/792, K. 2009/1147 (07.11.2009); Danıştay 8. Daire, E. 2010/3682, K. 2013/997 (15.02.2013); Samsun 1. İdare Mahkemesi, E. 2013/910, K. 2013/778 (05.09.2013); Sivas 1. İdare Mahkemesi, E. 2009/1259, K. 2010/870 (22.07.2010); Danıştay 8. Daire, E. 2010/8381, K. 2012/4640 (08.02.2012).

⁵³⁸ Ankara 10. İdare Mahkemesi, E. 2005/2703, K. 2009/1804 (01.10.2009); Danıştay 8. Daire E. 2009/10610, K. 2010/4213 (13.07.2010).

new curriculum was not taken into consideration.⁵³⁹ The Administrative Court re-evaluated the case in light of the Council of State's decision and rejected the Alevi parents' claim based on the amended curriculum.⁵⁴⁰

Following the case of *Mansur Yalçın v Turkey* (2014), where the ECtHR made a ruling similar to the case of *Hasan and Eylem Zengin* and found Turkey in violation of Article 2 of Additional Protocol 1, national court cases have tended to rule in favour of Alevi parents, although there have been negative decisions as well.⁵⁴¹ For instance, in a case I examined, the administrative court's ruling (2012) in favour of Alevi parents was approved by the Council of State in 2014.⁵⁴² However, the defendant administration requested revision of the decision, upon which the Council of State overturned the initial decision of the administrative court in 2017 (after the case of *Mansur Yalçın*). The Administrative Court applied the Council of State's decision in its final ruling in 2017 and rejected the Alevi parents' claim. In overturning the judgment, neither the Council of State nor the administrative court referred to the case of *Mansur Yalçın*. Instead, they cited the case of *Hasan and Eylem Zengin* and argued that the amended curriculum provided neutral and objective education that does not focus on the internal divisions of Islam. Moreover, the Council of State argued that the amended curriculum also provided information on 'Alevi Islam', thus respecting Alevi parents' belief. Upon this rejection, the Alevi parents sent a petition⁵⁴³ asking for the reversal of this decision to the Council of State and have yet to hear from the Council of State. Citing the case of *Hasan and Eylem Zengin*, the petition also emphasised that the applicant Alevi parents did not consider Alevism as an instance of Sufi tradition or a sub-sect of Islam. In this connection, the petition stated that the Court's opinion on Alevism as 'Alevi Islam' violated Alevi parents' freedom of belief.

⁵³⁹ İstanbul 10. İdare Mahkemesi, E. 2008/979, K. 2009/584 (20.03.2009); Danıştay 8. Daire, E. 2009/6480, K. 2012/10066 (04.12.2012); İstanbul 10. İdare Mahkemesi, E. 2013/976, K. 2013/916 (24.04.2013).

⁵⁴⁰ Samsun 1. İdare Mahkemesi, E. 2009/792, K. 2009/1147 (07.11.2009); Danıştay 8. Daire, E. 2010/3682, K. 2013/997 (15.02.2013); Samsun 1. İdare Mahkemesi, E. 2013/910, K. 2013/778 (05.09.2013).

⁵⁴¹ Samsun 2. İdare Mahkemesi, E. 2014/18, K. 2015/ 1317 (08.09.2015); Danıştay 8. Daire, E. 2013/2523, K. 2014/10190 (12.12.2014).

⁵⁴² Samsun 1. İdare Mahkemesi, E. 2011/1926, K. 2012/1353 (30.11.2012); Danıştay 8. Daire, E. 2013/2523, K. 2014/10190 (12.12.2014); Danıştay 8. Daire, E. 2015/8390, K. 2017/5550 (19.06.2017); Samsun 1. İdare Mahkemesi, E. 2017/1201, K. 2017/1816 (01.11.2017).

⁵⁴³ Petition sent by Kazım Genç on behalf of the Alevi parents to appeal the decision to the Council of State on 02.01.2018.

My case analysis, therefore, shows that national courts are not consistent in taking into account the ECtHR judgments in their decisions. Moreover, even though they do refer to the ECtHR judgments, this does not necessarily result in favour of Alevi parents. Also I argue that these ECtHR judgments are not efficient in prompting the Turkish government to make the necessary changes to national law, because of the partial implementation of the ECtHR judgments.⁵⁴⁴ The Turkish government initiated changes in curriculum content, which is one of the two points of the ECtHR, the other is providing proper opting out mechanisms, which has not been addressed so far. Following the introduction of the new curriculum, national courts mainly ruled against Alevi parents without analysing the necessity of proper opting out mechanisms, because they ruled that the information delivered by the religious ethics class is impartial and not indoctrinating. Following the case of *Mansur Yalçın*, the Turkish government has not taken any steps either for further amendments or introducing opting out mechanisms for Alevis.

The only current opting out mechanism is for Christian, Jewish and atheist children; but not for Alevis. During my fieldwork, I have not come across an Alevi who is not against the religious education in schools.⁵⁴⁵ Indeed, the lawyer Mr. Genç, who has expertise in such cases, emphasised that he used to warn Alevi parents who approach him to file a case, about the lengthy court process. For instance, in one of the cases I examined, the administrative court ruled in favour of Alevi parents. The decision was overturned by the Council of State due to the lack of an expert report on the curriculum. Although Mr. Genç presented a petition for a review of this decision, the Alevi parents withdrew their case as their child had graduated in the meantime.⁵⁴⁶

My fieldwork findings indicate that Alevi parents are reluctant to file petitions at schools and follow them up at administrative courts. Instead, they may prefer to change schools when they encounter problems with religious education teachers. One of the reasons for their reluctance is the fear

⁵⁴⁴ See Chapter 5 for in depth analysis.

⁵⁴⁵ My fieldwork as mentioned in previous chapters, mainly included my interactions with the Alevis who are critical of CEM Vakfı, whose lawyers defended the case of *Mansur Yalçın*. In my interview with Namik Sofuoğlu, a lawyer of CEM, told me that they are not against the religious education but it should include Alevism. See for further analysis of the case of *Mansur Yalçın* in the following Chapter.

⁵⁴⁶ Sivas İdare Mahkemesi, E. 2009/1259, K. 2010/870 (22.07.2010); Danıştay 8. Daire, E. 2010/8381, K. 2012/4640 (08.02.2012).

of isolation and discrimination against their children by the school administration and by other pupils, as my fieldwork suggests. For example, I was told that an Alevi child was called "gavur", which means "infidel", by his classmates, following his exemption from religious education. Lawyer Mr. Genç attributes the fear of societal pressure and isolation as the reason for Alevi parents' hesitation in following up legal procedures for exemption from religious education. Most of the participants prefer to negotiate with the school authorities at the local level. This would include picking a school where more Alevi students would be present or talking with the school administration informally, in order to arrange for their children to be informally exempted.⁵⁴⁷ In this connection, Alevi pupils are exposed to Islamic indoctrination, if their parents cannot solve the issue in some way. Similarly, other scholars also noted this observation on the role of religious education in assimilation of Alevis into Sunni Islam.⁵⁴⁸ Turkmen comes to the conclusion from her analysis of the amended curriculum that while the 1995 textbooks reveal the beginnings of a process of 're-Islamization', the textbooks of the amended curriculum demonstrate how embedded this process has become.⁵⁴⁹ She insightfully observes that although "civic morality has always been founded on an interpretation of Islam, [...] this interpretation, as well as the definition of the national "we," has become more Sunnite-centric than ever" during the AKP government. In reminiscent, based on his analysis of the policies AKP launched, Kaya suggests an 'Islamisation' of Turkey under the AKP rule.⁵⁵⁰

⁵⁴⁷ Fieldwork interviews between September 2015 and January 2016 in Ankara.

⁵⁴⁸ Buket Türkmen, 'A Transformed Kemalist Islam or a New Islamic Civic Morality? A Study of "Religious Culture and Morality" Textbooks in the Turkish High School Curricula' (2009) 29 (3) *Comparative Studies of South Asia, Africa and the Middle East* 381-397; Ceren Özgül, 'Freedom of Religion, the ECtHR and Grassroots Mobilization on Religious Education in Turkey' (2019) 12 (1) *Politics and Religion* 103-133; Ali Çarkoğlu & Nazlı Çağın Bilgili, 'A Precarious Relationship: The Alevi Minority, the Turkish State and the EU' (2011) 16(2) *South European Society and Politics* 351-364, 358.

⁵⁴⁹ Buket Türkmen, 'A Transformed Kemalist Islam or a New Islamic Civic Morality? A Study of "Religious Culture and Morality" Textbooks in the Turkish High School Curricula' (2009) 29 (3) *Comparative Studies of South Asia, Africa and the Middle East* 381-397, 389.

⁵⁵⁰ Ayhan Kaya, 'Islamisation of Turkey under the AKP Rule: Empowering Family, Faith and Charity' (2015) 20 (1) *South European Society and Politics* 47-69, 57.

4. 8. “The Alevi opening” and Alevis’ Current Recognition Demands

Although Turkey’s EU accession process lost its momentum in the mid-2000s, Alevis’ recognition demands were addressed by the AKP government through seven ‘workshops’ organized between June 2009 and January 2010 with 302 attendees in total, presented by the government as “the Alevi Opening”.⁵⁵¹ The attendees were selected from academics, *dede*, certain Sunni figures, Alevi organizations, the media and political figures as well as theologians of Islam. However, it is not clear on what criteria the participants were selected.⁵⁵² The Alevi Opening caused many disputes both among Alevi organizations and within the state institutions.⁵⁵³ For example, the Government’s invitation to Ökkeş Şendiller, who was prosecuted as the first suspect of the Maraş pogroms against the Alevi in 1978, caused outrage in the Alevi movement.⁵⁵⁴ As a result, he did not attend the workshop.⁵⁵⁵ However, the workshop to which he was invited saw protests by different segments of the Alevi movement including the PSAKD.⁵⁵⁶ These workshops covered the issues of identity representation, the status of the Diyanet, compulsory religious education, the status of *cemevi*, the future of *dede* and the spectre of the Sivas incident. The Government published a report of the workshop outcomes on 4

⁵⁵¹ ‘Alevi Çalıştayı Başladı’, *Radikal* (Ankara, 30 Sep 2009)

<http://www.radikal.com.tr/turkiye/alevi-calistayi-basladi-956930/> (accessed 18 December 2018); Ministry of State (MoS), ‘Alevi Çalıştayları Nihai Rapor’ (MoS 2010); Talha Köse, ‘The AKP and the "Alevi opening": understanding the dynamics of the rapprochement’ (2010) 12(2) *Insight Turkey* 143-164.

⁵⁵² The report prepared by the Ministry did not explicate the selection process, however, the report prepared by the HBVAK analyses the composition of those who attended the workshop and found that the number is indeed misleading. According to the HBVAK, 2 names were repeated and 44 persons only attended the workshop in Sivas for the Madımak Hotel. Out of 258 attendees, 118 were sympathisers of the Diyanet and the government. See for the breakdown of the numbers, Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), ‘Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme’ (HBGVAK 2011) 106-107.

⁵⁵³ Behsat Miser, ‘Son Alevi Çalıştayı Buruk Başladı’, *Radikal* (Ankara, 29 Jan 2010), available at <http://www.radikal.com.tr/turkiye/son-alevi-calistayi-buruk-basladi-977399/> (accessed on 18 December 2018).

⁵⁵⁴ Behsat Miser, ‘Maraş Sanığı Ökkeş Şendiller’e Alevi Çalıştayı Daveti’, *Radikal* (Ankara, 12.12.2009), available at <http://www.radikal.com.tr/turkiye/maras-sanigi-sendillere-alevi-calistayi-daveti-968809/> (accessed 18 December 2018).

⁵⁵⁵ ‘Ökkeş Şendiller Alevi Çalıştayı’na Katılmayacak’, *ntv.com.tr*, (Ankara, 16.12.2009), available at <https://www.ntv.com.tr/turkiye/okkes-sendiller-alevi-calistayina-katilmayacak,FOWATv-ZiEioIGI8XZagsQ> (accessed 18 December 2018).

⁵⁵⁶ ‘Alevi Çalıştayı Tartışmalarla Sona Erdi’, *Gazetevatan*, (Ankara, 18.12.2009), available at <http://www.gazetevatan.com/alevi-calistayi-tartismalarla-sona-erdi-276881-gundem/> (accessed 18 March 2020).

February 2010.⁵⁵⁷ Since the final report was published, no steps have been taken to meet the Alevis' demands.⁵⁵⁸

The final report is criticised by different segments of the Alevi movement for its language, for diverting attention from Alevis' demands regarding the problem of defining Alevism and for imposing the state's own agenda for Alevis.⁵⁵⁹ For example, the counter report prepared by one of the Alevi organisations about the workshops underlined that the Government's report gave the impression that the problem had been between the Sunni and Alevi without the state authorities having any role in it, and presented the situation as if Alevism had been a problem created by internal-external enemies, ignorance and prejudice that absolved the moral compass over Alevi pogroms throughout history.⁵⁶⁰ Additionally, different Alevi organizations criticised the final report for trying to impose a very specific definition of Alevism that assimilates Alevis into Sunni Islam.⁵⁶¹ Indeed, the Government's final report explained the importance of the workshops as a dialogue between Alevis, the state and Sunnis.⁵⁶² In terms of addressing the problems of Alevi citizens, according to an opinion poll, 49.2% of Alevi citizens expressed their discontent with the Alevi Opening, while only 14.9% said that they were happy about the situation.⁵⁶³ Moreover, according to this opinion poll, 59.8% of the Alevi respondents considered the Alevi Opening as "a policy of the

⁵⁵⁷ Ministry of State (MoS), 'Alevi Çalıştayları Nihai Rapor' (2010).

⁵⁵⁸ Hüseyin Şengül, 'Alevi Açılımı' *Biamag* (Istanbul, 22.11.2014), available at <https://m.bianet.org/biamag/siyaset/160109-alevi-acilimi> (accessed 18 March 2020).

⁵⁵⁹ For example, HBVAK published another report as an answer to the final report and an evaluation of the workshops, see Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), 'Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme' (HBGVAK 2011); Pınar Ecevitoglu, 'Aleviliği Tanımlamanın Dayanılmaz Siyasal Cabizesi' (2011) 66(3) Ankara Univ. SBF Dergisi 137-156; Çiçek Tahaoğlu, 'Alevi Çalıştay Raporu Alevilerin Taleplerini İçermiyor' *Bianet* (Istanbul, 8 Feb. 2010), available at <http://bianet.org/kurdi/siyaset/119923-alevi-calistayi-raporu-alevilerin-taleplerini-icermiyor> (accessed 18 March 2020); 'Alevi Çalıştay Ön Raporuna Sert Tepki' *Hurriyet* (Ankara, 12.02.2010), available at <http://www.hurriyet.com.tr/gundem/alevi-calistayi-on-raporuna-sert-tepki-13771159> (accessed 18 March 2020).

⁵⁶⁰ Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), 'Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme' (HBVAK 2011) 14.

⁵⁶¹ Pınar Ecevitoglu and Ayhan Yalçınkaya, 'Aleviler artık burada oturmuyor!: Alevi çalıştayları ve sonrası' (Dipnot 2013); Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), 'Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme' (HBVAK 2011); 'Alevilik Sünnilik İçinde Eritilmek İsteniyor' *Bianet* (Ankara, 01.04.2011), available at <https://bianet.org/bianet/din/129023-abf-aleviklik-sunnilik-icinde-eritmek-isteniyor> (accessed 18 March 2020).

⁵⁶² Ministry of State (MoS), 'Alevi Çalıştayları Nihai Rapor' (MoS 2010) 25, 34.

⁵⁶³ Stratejik Düşünce Enstitüsü, 'Alevi Raporu' (2009) Stratejik Düşünce Enstitüsü 50.

Sunnitization of Alevis,” whereas only 21.9% of the Alevi respondents said, “the Alevi Opening intends to solve the problems of the people.”⁵⁶⁴

The Government’s report presented the workshops as a way of reconciling Sunnis and Alevis.⁵⁶⁵ In this regard, it was not a platform where the state authorities were willing to be informed about Alevis’ demands for equal citizenship; but where Sunnis and Alevis under the supervision of the state authorities talked about Alevis’ problems. In this vein, the Report evaluated the Alevis’ demands regarding the Diyanet and religious education comparing them to the views of Sunnis, some of whom have also expressed discontent with religious education and the Diyanet. It thereby situates the state as the mediator between the Sunnis and the Alevis. In this regard, it casts doubt about the sincerity of the state authorities to talk with Alevis about their demands. Rather, the picture presented by the Report was as though the workshops were organized to listen to the views of Sunni and Alevi about Alevis’ demands. Therefore, it indeed promoted a subtle confrontation between Sunnis and Alevis, where Sunnis were the well-behaved citizens, while Alevis were the noisy citizens. The counter report prepared by the HBVAK made a similar point and complained that the Report was presented as though the Diyanet and compulsory religious education are problematic only for Alevi citizens.⁵⁶⁶

This initiative, the Alevi Opening, is significant for a number of reasons: it is the most recent (in fact the first) official dialogue between the Alevi movement and the Turkish Government concerning the Alevi movement’s current recognition demands; it is representative of the state’s view on Alevism and Alevis, which is also seen in the realm of law and in line with the Diyanet’s view of Alevism. It also reflects on the State’s view on the Alevi movement. The final report evaluated the Alevi’s demands under four subheadings; status of the Diyanet, status of *cemevi*, compulsory religious education in public schools and the status of the Madımak Hotel. In setting a future agenda for these demands, it drew attention to certain legal impediments or necessities: the conceptualisation of Alevism and the constitutional status of

⁵⁶⁴ Ibid 56.

⁵⁶⁵ Ministry of State (MoS), ‘Alevi Çalıştayları Nihai Rapor’ (MoS 2010) 34.

⁵⁶⁶ Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme (HBVAK 2011) 104.

the Diyanet and religious education, while Law No. 677 was also highlighted as an obstacle for Alevis' demands for the *cemevi* being granted the status of place of worship.⁵⁶⁷

The final report's view on Alevism and Alevis reflects continuity with that of the early Republican (Kemalist) Regime on Alevism in the sense that Alevis are considered to be the link for the Turkish nation to Central Asia. However, it also differs from the early Republicans' position in that it places more emphasis on Islam in the formation of Alevism. As explained above, the early Republicans' perspective points to Shamanic influence in the formation of Alevism. While the final report refers to the influence of various ancient beliefs on Alevis and thus considers Alevism to be syncretic, it also asserts that Islam dominates "the general framework, language and discourse [of Alevism]." ⁵⁶⁸ Therefore, the report considered Alevism as an instance of heterodox Islam, peculiar to Anatolia. According to the report, shaped within the Islamic theology, Alevism simply refers to groups that venerate Mohammad, Ali and Mohammad's family (ehl-i beyt).⁵⁶⁹ The references to a number of Islamic figures primarily Hz Ali, Ehl-i beyt and 12 imams serve as evidence for Alevis being part of Islamic traditions. The report made a number of claims about the history of Alevis and the nature of Alevism within the fold of Islam, although it considered that only Alevis should define Alevism. The description of *cem* ritual in the report is interesting in the sense of emphasising the belief-oriented aspects of the ritual as its primary elements, while *semah* and *deyiş/nefes* are represented as secondary (complementary) elements.⁵⁷⁰

The arguments proposed by the report trivialise the experiences of the Alevi. To argue that the Alevi's love for Ali, the twelve imams and other historical figures that are shared with Islam is equivalent to a belief in Islam transforms the Alevi's experience of their own culture. Similarly, by arguing that singing *deyiş* and turning *semah* are the same acts of worship as performed by tariqas, transforms the Alevi's experience. Through re-describing these experiences as instances of tariqa worship in the case of *deyiş* and *semah*, the Alevi experience of *cem* is distorted. As discussed in Chapter 3, the Alevi

⁵⁶⁷ Ministry of State (MoS), 'Alevi Çalıştayları Nihai Rapor' (MoS 2010).

⁵⁶⁸ Ibid 43.

⁵⁶⁹ Ibid 39.

⁵⁷⁰ Ibid 161-162.

culture is falsely described as a religion, in the name of Alevism as an experiential entity of cultures with religion. This attribution of religion imposes an epistemic attitude to tradition and endeavours to see Alevism as a system of belief. The prominence of Islamic figures in Alevi rituals and stories is seen as evidence for the Alevi's belief in Islam. In order to engage with the Islamic culture, Alevis are obliged to deny their own experiences. The Alevi is not able to account for these similarities with Islam without an alternative explanatory theory. The dialogue becomes skewed because the party, which makes the maximum number of unproven assumptions, does not have to demonstrate their truth. Alevis cannot ask the proof of this truth because they are unaware of all the assumptions.⁵⁷¹ The dialogue brings about a certain kind of violence⁵⁷² against the Alevi by denying their own experience and by forcing them to accept unproven assumptions as a prerequisite to enter in dialogue. Indeed, the report prepared by the HBVAK criticised the Government's dialogue attempt to impose a certain mindset on Alevis and emphasised that Alevis would continue to protest at this imposition.⁵⁷³

Based on its assumptions about Alevi culture, the report considers the segments of the Alevi movement that claim Alevism to be separate from Islam, 'marginal', while the discussions on whether Alevism is within Islam or not would lead to sedition (*fitne ve fesat*) in Turkey.⁵⁷⁴ Indeed, the report argued that the Alevi movement is becoming 'radical and political', since traditional Alevis, who are in the majority, are not represented by this movement.⁵⁷⁵ However, it is not clear on what basis the report makes such a claim, as it is not supported by research. The report is also very much concerned with the transformation Alevi traditions have been going through. This transformation is discussed through the rupture between 'traditional'

⁵⁷¹ My analysis draws from the analysis of S.N. Balagangadhara and Sarah Claerhout, 'Are dialogues antidotes to violence? Two recent examples from Hinduism studies' (2010) 7(9) Journal for the Study of Religions and Ideologies 118-143.

⁵⁷² Ibid 122. In parallel, my use of violence is in the most general sense: "injury by or as if by distortion, infringement, or profanation."

⁵⁷³ Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme (HBVAK 2011) 117: "Alevi açılımının mimarlarının müzakere anlayışları ile Alevilerin müzakere anlayışları arasında esaslı bir fark vardır. Diyalog söylemiyle müzakereye çağıran, ancak çağırdığı özneleri ve onların taleplerini kendi diline tahvil ederek dayatan bir zihniyete karşı Aleviler, meydanlarda olmaya devam edeceklerdir."

⁵⁷⁴ Ministry of State (MoS), 'Alevi Çalıştayları Nihai Rapor' (MoS 2010) 84.

⁵⁷⁵ Ibid 49.

Alevism, which indicates *ocak*-based village communities where the *dede* is the sole legitimate leader and contemporary Alevism, where the *ocak*-based system has been mostly dissolved and subsequently the *dede*'s legitimacy has been questioned. The report points to a process of modernisation underlying this transformation, which is actually implied as an erosion of the Alevi culture. Therefore, it can be argued that the Government manipulated the workshops by playing upon the nature of Alevi tradition, which does not assign the utmost importance to beliefs and 'roots.' As a result, Alevism is defined under the main heading of Islam for its notions of 'Hak-Mohammad-Ali' (God-Mohammad-Ali). The state deemed the circulation of Islamic figures in Alevi traditions as the beliefs of the Alevi. By forging this link between beliefs and practices, it conceived of Alevism within the fold of Islam.

The report also posits that urbanisation of the Alevi community is another reason for the transformation of the Alevi culture. In this connection, the report underlined *cemevi* as a recent phenomenon, without a history to substantiate it as a place of worship. Law no. 677 was presented as an obstacle for granting *cemevi* the status of worship as well as representation of Alevis within the structure of the Diyanet. The same law was also implied to be one of the reasons behind the devaluation of *dede*'s status within the Alevi tradition. Since the report described Alevism as being part of Islam and the only place of worship in Islam is the mosque, the report opposed the idea that *cemevi* could be considered as a place of worship.

In terms of the status of the Diyanet, the report underlined the two different perspectives: while some Alevis strongly object to the existence of the Diyanet, which is considered as contradicting a laic state system, some Alevis demand the reorganization of the Diyanet to include services specific to Alevis, since they consider its services to be available strictly for Sunni citizens. The first perspective adopts a view on secularism that obliges the state to be neutral towards religion. In parallel, this perspective avoids the influence of the state through the Diyanet on Alevis, since it considers the involvement of the Diyanet to provide services to Alevis as a way of "creating state's Alevis" and thus an assimilationist policy.⁵⁷⁶ On the other hand, the second perspective sees the services of the Diyanet as exclusively for Sunni Muslims.

⁵⁷⁶ Ibid 117.

By drawing an analogy between Sunni Islam and Alevism, it requires the Diyanet to provide services for Alevis. Yet this perspective, according to the report, does not have a proposal on how to re-structure the Diyanet.⁵⁷⁷

In addition to stressing the lack of a unified Alevi stance on the Diyanet, the report included a detailed analysis of the Diyanet within the Turkish state system to justify the institution's legitimacy. The report drew a line of historical arguments for the legitimacy of the Diyanet by proposing the following question: Is the existence of the Diyanet a peculiar choice of the state with its emphasis on laicism, or a kind of arbitration with laicism against its majority Muslim population?⁵⁷⁸ Considering the foundation of the Turkish republic, the report also asks rhetorically: "How could the state, which has the tradition of considering religion as a tool of exploitation by opponents of the [Republican] regime, approach religion without giving up its own sensitivities?"⁵⁷⁹ Drawing on legal regulations, the report reiterated the duties of the Diyanet as informing the public about religious matters and managing places of worship in addition to regulating services on Islamic faith and practices.⁵⁸⁰ In this regard, the report described Turkish *laiklik* as midway between eliminating religion in governance and partially legitimising it so long as it serves the values of the new [Republican] regime.⁵⁸¹ However, the report also recognised the ambiguity that this formulation has brought about in the relation between state and religion. In this connection, re-organization of the Diyanet's structure would indicate wide-spectrum reforms including constitutional amendments on the relation between the state and religion.

In this connection, the report asserted that from the perspective of the state, Alevis are part of Muslim communities in the country and hence are welcome to benefit from the services of the Diyanet.⁵⁸² The report also noted that the commonalities of different Muslim communities, rather than their differences, have been the focus of the Diyanet's services since its establishment, while acknowledging that its services might be, de facto, influenced by the Sunni Hanefi school of theology due to 'the belief map of

⁵⁷⁷ Ibid 115-116.

⁵⁷⁸ Ibid 119.

⁵⁷⁹ Ibid 118.

⁵⁸⁰ Ibid 122.

⁵⁸¹ Ibid 122.

⁵⁸² Ibid 116, 119.

Turkey.⁵⁸³ After this evaluation on the necessity of the Diyanet in Turkey, the report pointed out the erosion that Turkish modernism has caused in the transmission of Alevism and implied the necessity for Alevis to benefit from the Diyanet's services: "If the state is late to take necessary precautions, the biggest danger waiting especially young Alevis, is to cut off completely the ties of Alevi identity, to leave Islam or to deviate to Atheism."⁵⁸⁴ In this vein, the report implied the duty of the Diyanet as the saviours of Alevi youth. Since no step was taken for the reorganization of the Diyanet, the existing services are expected to meet the needs of Alevi youth, despite the repeated complaints of the Alevi movement about them.⁵⁸⁵

The report prepared by the HBVAK criticises the Government's report on the Alevi Opening for trying to assimilate Alevis into Islam and considering Alevism as a cultural and political phenomenon.⁵⁸⁶ On state neutrality, Balagangadhara follows Kant's dictum that 'ought implies can' and argues that the secular state cannot be neutral and therefore ought not to be neutral. He argues that the secular state, by considering religion as a matter of truth, borrows the meta-language of Semitic religions' theology about what religion is. Even though the state does not subscribe to a specific religion's theology for accommodating diversity, this meta-language that the state uses fails to be neutral towards communities that do not have an epistemic status to their tradition. As discussed in Part I, Semitic religions' conception of rivalry over the truth of sets of doctrines is not shared by cultures without religion, such as Alevis. Alevis do not see others as rivals and are indifferent to the truth claims of Semitic religions. Indeed, when the report's assertions on Alevism are considered, the Turkish state uses Islamic theology as a meta-language for Alevism. When we look at the application of secular state and religious freedom in Turkey, Islamic theology is infused at all levels. Therefore, Alevism is annexed to Islam as an assimilation tool. Bayır argues that *laiklik* is used as a tool to Sunnitise the public sphere and non-Sunni minorities in Turkey.⁵⁸⁷ While the public sphere were eliminated from religious symbols and practices

⁵⁸³ Ibid 119.

⁵⁸⁴ Ibid 130.

⁵⁸⁵ Hacı Bektaş Veli Anadolu Kültür Vakfı (HBVAK), *Aleviler artık burada oturmuyor–Alevi Çalıştayları Nihai Raporu Üstüne Bir Değerlendirme* (HBVAK 2011) 108-112.

⁵⁸⁶ Ibid 112.

⁵⁸⁷ Derya Bayır, *Türk Hukukunda Azınlıklar ve Milliyetçilik* (Bilgi 2017) 178.

by laws and policies in the name of implementing *laiklik*, this so-called secular public sphere has been utilized to promote a particular form of Islam. For example, the Government's final report challenged Alevis for complaining about being considered deviant and yet making no effort to clear up the prejudices.⁵⁸⁸ From the perspective of Islamic theology, Alevism is an instance of heterodoxy, which is difficult to be considered as a *mezhep* or *tariqa* as it deviates from these structures.⁵⁸⁹

4. 9. Conclusion

The application of the principles that are derived from Christian theology to accommodate differences in Turkey results in a political and legal system that uses the meta-language of Islam in the name of *laiklik*. The religious toleration and secular state were possible to be formulated in European context because of the belief that it is the moral obligation of a Christian to tolerate different religious beliefs because the freedom of Christian soul is attained only through the work of the Holy Spirit. Since this theological background to transform religious toleration into a moral obligation, together with other related Christian themes are absent in Turkey, the transplantation of these principles in Turkey brings about a peculiar form of *laiklik* chiefly organised through the establishment of the Diyanet and Law no. 677.

Bringing in European discussions about the human corruption of religion, they argued that it was the corruption of Islam that was to be overcome by the transplantation of these ideas. Although the late Ottoman statesmen and early Republicans engaged with European discussions over religious toleration and secular state and how to apply these in Turkey, as above discussions exemplify, they were not aware of the theological underpinnings of toleration. Rather, they picked up the critics over superstition and anti-clericalism and argued that Islam in its core reveals similar dynamics that the true religion is indeed a matter of conscience and man-made practices are superstitions that corrupt religion and therefore had to be banned. The reason that they picked up this particular discussion over the corruption of religion through man-made

⁵⁸⁸ Ministry of State (MoS), 'Alevi Çalıştayları Nihai Rapor' (MoS 2010) 46.

⁵⁸⁹ As discussed in Chapter 2.

practices might be because, as explained in Chapter 2, religion provides an account that approaches ritual in terms of its doctrinal references, which is fundamentally different from tradition where rituals practiced because they are handed down over generations. If the transplantation did anything, it forced a sharpening of the realm of false religion as superstitions (*batil itikat*), which targeted both the Alevi traditions as well as Sufi orders and Islamic public manifestations. Following the Kemalist regime and introduction of the multi-party system

Keeping in mind the triadic dynamic between true religion, false religion and secular as explained in Part I, the Turkish *laiklik* designated Diyanet as the realm of true Islam presented by the Turkish state and consolidated its power over true religion through banning of ‘superstitious’ practices of Sufi brotherhoods as well as the Alevi. As examined in this Chapter as well as Chapter 3, from the point of the Sunni doctrines as purveyed by the Islamic theology and the Diyanet, Alevis are followers of a corrupted version of Islam that needs to correct themselves. This view on corruption of Alevis stems from the confusion over Alevi traditions that share a cluster of figures with Islamic traditions. However, these common Islamic figures hold different positions within vernacular of Alevi traditions. Before the introduction of religious toleration and secular state, Alevis historically were labelled as heretics and persecuted because of their heretical practices and beliefs. At best, they managed to survive by living in isolated areas and not having had contact with the Ottoman rulers. In the Turkish Republic the repositioning of Alevis as the carriers of pre-Islamic Turkish culture and as an inner-Islamic richness freed them from old persecution. Nonetheless, within the limited freedom that Turkish *laiklik* provides, Alevis have had to negotiate and formulate their difference in religious terms.

In his analysis of vernacular secularism in South Sudan and the legislation for religious freedom after South Sudan’s separation from Sudan, Salomon discusses how the South Sudanese government obliges various forms of African traditions to obtain recognition as part of policies to ensure religious freedom.⁵⁹⁰ He notes that these traditional practices configured as distinct

⁵⁹⁰ Noah Salomon, ‘Freeing Religion at the Birth of South Sudan’ in Winnifred F Sullivan, Elisabeth Shakman Hurd, Saba Mahmood, Peter G Danchin (eds), *Politics of religious freedom* (University of Chicago Press 2015).

confessions by the state do not “represent the reality of South Sudanese who may identify as Christians, for example, and at the same time see no contradiction in maintaining their rites and rituals.”⁵⁹¹ He therefore suggests that the state’s application of religious freedom and endeavour to legally recognise distinct groups, such as Christians and ATRs [African Traditional Religions], will endanger the current hybridity of affiliations and bring about “more polar forms of identity.” As I argued in Part I, the model of liberal secularism indeed tends to formulate plurality into religious conflict, first assumes rivalry of competing claims and then presents itself for their co-existence. In this model, “each tradition in society needs to take the form of a religious community defined by a set of beliefs and values.”⁵⁹² Because the categorical separation between religion and tradition is not recognised by the political and legal systems, some traditional practices are also considered as constituting a religion. In transforming these traditions into religions, truth claims of a religion is imposed on traditions. That is to say, belonging to a religion excludes other ways of belonging. Therefore, if one adheres to a certain religion, one is not able to have other traditional affiliations that might seem like religion. Like the case in South Sudan, hybridity of affiliations among Alevis is erased in imposed truth claims that compete with one another within liberal secular framework. The irony is that this framework produces policies for religious freedom and yet feed religious conflict. The construction of Alevis’ difference in religious terms, curtails the possibilities of any other religious affiliation that individual Alevis might prefer. The current framework does not allow the existence of Alevis, who only follow their traditions, together with Alevis, who might also identify with Sunnis or Atheists, because of the efforts to impose a religious structure on Alevis. In this regard, Alevis are pushed into “either or” debates, where Sunni Islam is imposed on them by the Diyanet as well as the general Sunni public.

In relation to framing cultural differences as differences in competing claims (world-views or systems of belief) for the truth, the secular state conceives differences as different competing claims for the truth. However, the assertion that religions are claims regarding the truth of some

⁵⁹¹ Ibid 137.

⁵⁹² Ibid.

doctrines is indeed a theological claim proposed by Christianity, Islam and Judaism. Recalling Chapter 2.6, religion revolves around the crucial question of the truth and falsity of a set of doctrines.⁵⁹³ Yet this does not correspond to the self-descriptions of traditions that do not have religion and thereby an epistemic attitude to tradition. As Balagangadhara and De Roover suggests, “These self-descriptions [of Hindu and Romans] see the various traditions as *human search* for ‘truth’, and they see the different religions as paths in this ongoing quest.”⁵⁹⁴ Though there are many differences between the Indian traditions and Alevi traditions, they share a common attitude, which distinguishes them from Christians and Muslims. They do not approach the diversity of human traditions in terms of doctrinal truth. From the viewpoint of non-Semitic cultures, there is no one true God against whom many *false gods* are arrayed.⁵⁹⁵

Balagangadhara argues that the Hindu’s claim that ‘all religions are true’ demonstrates their ‘incomprehension’ of the Semitic understanding of religion as a matter of truth, because it implies that both Christian and Islamic doctrines have to be true at the same time.⁵⁹⁶ Similarly, the Alevi view on the truth of religions is different from the Christian or Islamic view. For them, ‘all religions are true’. However it is unclear what it means for truth to be conceived pluralistically. If all religions are true, both Christian and Islamic doctrines have to be true at the same time. This claim then entails that Alevis fail to see that one religious doctrine, which claims that God is Father, Son and Holy Spirit, and that Jesus Christ is the son of God, stands in contradiction to another which asserts that God is one and cannot have a son who is both divine and human. This attitude to the truth does not reflect a peculiar notion of religious truth, but an attempt to translate the attitude of one culture (religious) into the language of another (non-religious), as was discussed more fully in Chapter 2, Part I.⁵⁹⁷ Even though Alevis have discussed *hak* being the reality, *hak* appears to be of a completely different kind from the doctrinal truth claimed by the

⁵⁹³ S.N. Balagangadhara and Jakob De Roover, ‘The Secular State and Religious Conflict: Liberal Neutrality and the Indian Case of Pluralism’ (2007) 15(1) Journal of Political Philosophy 67-92, 74.

⁵⁹⁴ Ibid.

⁵⁹⁵ Ibid.

⁵⁹⁶ Ibid 75.

⁵⁹⁷ Ibid 75.

Semitic religions. Until we have a clear insight into its nature, it is important to emphasise that the Alevi view does not see the different traditions as true or false. In this respect, by accepting the Semitic religions' claim that religion is a matter of truth, the possibility of a state being neutral with respect to religions is erased. In this connection the secular state can be agnostic about the truth claims of different religions, but it is grounded on the Semitic theology that religion is a matter of truth that revolves around doctrines.

When the Turkish state assumes the truth of a Semitic theological claim, and further accepts this claim as its own epistemological position, then it actively creates and promotes the religious rivalry between the Alevi traditions and Islam. In other words, the Turkish state *creates religious rivalry* where there is none (if viewed from the Alevi perspective). As a matter of state policy, it creates and sustains the opposition between religions and traditions. Consequently, the Turkish state *transforms* the conflict between different groups *into a religious conflict*. In this regard, I argue for the impossibility of state neutrality as a method to accommodate diversity; it can only be a remedy in competing systems of belief. Thus it entails conflict as an in-built element and then presents religious freedom and the secular state as the solution for resolving falsely constructed religious conflict. The Government's initiative to establish a dialogue with the Alevi movement further demonstrates how this falsely constructed religious conflict between Alevi traditions and Islam brings about a certain kind of violence to the Alevi traditions.

The politico-legal system in Turkey transforms Alevi traditions into false version of Islam and put significant legal impediments on practicing their rituals. Although such a division as religious and secular is alien to Alevis, this division is internalised by Alevis as well. This internalisation is apparent in their rejection of tradition especially in the 1970s with the influence of leftist ideologies that consider religion as a source of exploitation. Another facet of this internalization, however, took the shape of advocating Alevis' recognition as a faith community by the emergence of the transnational Alevi movement that has gained speed especially in the last two decades. Although these two tendencies within Alevi culture seem opposite to one another, i.e. that one rejected the tradition as a source of exploitation and the other embraced Alevism as a religion or system of belief, I argue that they are both

manifestations of Alevis' response on how best negotiate for their difference within the politico-legal system that understand their difference in terms of religion, instead of traditions handed down by generations and practiced exactly because of being a tradition. In this regard, the generous benefits given to the place of worship in the Turkish system presented an opportunity for the Alevi movement to advance claims for gaining recognition for *cemevi* as place of worship. This advocacy also provides Alevis with a response to the pressure on them to go to mosque. As explained above, Alevis are considered as an Islamic tradition with remnants of Central Asian Turkish culture. As the only designated place of worship in Turkey is mosque in Turkey, Alevis try to avoid the pressure on going to mosque, by pointing to *cemevi*, as their place of worship. Similarly, the Alevi advocacy on religious education diverged from abolishing it to including Alevism in it, as will be examined in detail in Chapter 5 through the ECtHR judgments. Although Alevis in this study are of the opinion that religious should not be taught at schools, the lengthy court proceeding with unreliable results as well as social pressure prevent Alevi parents to seek exemption at courts. As the ECtHR judgments on compulsory religious education in Turkey were implemented partially by merely amending the curriculum, which did not satisfy Alevis' concerns, religious education continue to be compulsory without opting out mechanisms for Alevi parents.

In the following chapter, I discuss how claims for recognition before the ECtHR illustrate a different dynamic, which stands as a point of comparison to what happens in Turkey. While they are contested and litigated over in particular ways in Turkey, in the ECtHR, the litigation and contestation is pursued in a subtly different way. While in Turkey the Turkish state with the Diyanet's support as the authority in religion, has tried to assimilate Alevis into Sunni framework by reducing Alevis' difference as a matter of 'inner-Islamic richness' within Sunni Islam, the ECtHR cases brings about a different formulation of Alevis' difference as a non-Sunni Muslim community and thereby introduces a division between Sunni Islam and non-Sunni Alevis; a sectarian division that might be precarious when applied onto Turkish context. in terms of making religious claims, and the implications for Alevi's seeking to make claims around their traditions.

CHAPTER 5 -- ACCOMMODATION of ALEVIS' DIFFERENCE BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

5. 1. Introduction

In light of the main research question set forth in the introduction,⁵⁹⁸ I turn my attention to the ECtHR judgments of the cases brought against Turkey by two different segments of the Alevi movement. My aim in this Chapter is to analyse the ECtHR judgments with a critical eye in terms of how Alevis' difference as explained in Part I is articulated and what implications can be drawn from the Alevis' claims-making and the legal construction of Alevism with regard to the accommodation of Alevis' difference. Through the case-analysis, I also explore other possible approaches for accommodating Alevis' difference.

I examine how the ambivalence of Alevism is transformed through the process of becoming legalized and make three points: 1. I show how different segments of the Alevi movement litigate before the ECtHR in different ways depending on their specific agenda and advocacy for Alevis; 2. I show that the ECtHR judgments tend to twist the Alevi claimants' conceptualization of Alevism. This is particularly evident in *Hasan and Eylem Zengin v Turkey*, which is an important reference in other Alevi cases; 3. I demonstrate that the ECtHR conceptualizes Alevism within the fold of Islam, by situating it as opposed to Sunni Islam. I argue that there is a pattern that has been shaped through Alevi claims brought to the ECtHR. This pattern has become more visible with the latest decision *Dogan and others v Turkey*. I argue that this pattern divides Islam in Turkey into Sunni Islam as practiced by the majority and the Alevi Islam as practiced by Alevis.

⁵⁹⁸ The main research question set forth in the introduction was: How do Turkey, the UK and the European Court of Human Rights (hereinafter, the ECtHR) accommodate Alevis' difference, and what are the implications of this accommodation for Alevis and the Alevi culture?

Within the broader theoretical framework, I argue that the assumptions that undermine the neutrality of the ECtHR create an unnatural rivalry by transforming Alevis into a denomination of Islam and postulate it as opposed to Sunni Islam. This, in turn, when applied onto Turkish context, carries the risk of fostering an environment of conflict. Thus, similar to Turkey, the ECtHR also overemphasise the importance of uniformity in different interpretations of Alevism. Based on the meta-level it operates, Protestant understanding of religion, the Court transforms Alevism into a denomination of Islam, by neglecting the diversity of the Alevi perception vis a vis their traditions. Although seems preferable to the assimilationist approach of the Turkish government and the Diyanet, the ECtHR conceptualisation of Alevis separates Alevi citizens and non-Alevi citizens in religious terms and therefore introduces a sharper sectarian division to Turkey.

5. 2. The Alevi Advocacy at the European Court of Human Rights

The Turkish judicial system has significantly changed in the last decade mainly with the effect of the legal harmonization process of Turkey with the European Union. One of the most dramatic amendments was made in the 2004 constitutional amendment package. Amended in 2004, Article 90 of the 1982 Constitution addresses the status of international treaties. Article 90 provides that in case of a conflict between international agreements in the area of fundamental rights and freedoms and domestic law, due to differences in provisions on the same matter, the provisions of international agreements shall prevail.⁵⁹⁹ Hence, the amendment made it clear that international human rights agreements have precedence over domestic laws. Accordingly, the ECHR (the Convention) rulings are binding, since they interpret, clarify and concretize provisions of the concerned agreement.⁶⁰⁰ That is to say, if it conflicts with the Constitution, the Turkish Constitutional Court may overcome the problem only by interpreting the Constitution in conformity with the Convention. In this regard we can say that ECHR affects the Turkish constitutional system through

⁵⁹⁹ Ayşe Özkan Duvar, 'Judicial Application of Human Rights Law in Turkey', (2015) 3(1) CHKD 59-73, 62, available at <http://dergipark.gov.tr/download/article-file/14675> (accessed 8 January 2019).

⁶⁰⁰ Ibid.

two distinct paths. First, some of the constitutional provisions are rooted in the Convention. The motive for many recent amendments in the Turkish Constitution has been to meet the ECtHR, the Convention and standards set by it. These constitutional clauses have supremacy over domestic laws. Second, the Convention and the ECtHR guide the interpretation of domestic law in courts.⁶⁰¹

Although the ECtHR decisions must have precedence, the domestic courts do not necessarily follow the ECtHR decisions. In this regard, despite the authoritative nature of the ECtHR judgments, there is no mechanism to ensure the implementation of the ECtHR judgments. The divergence of Turkish law from the ECHR is evident in the Court's Alevi case law. The ECtHR invokes Article 46 in order to highlight systematic and repeated violations of the ECHR and "to bring the relevant domestic law into compliance with the Convention that would constitute an appropriate form of redress by which to put an end to the violation in question."⁶⁰² In cases on compulsory religious education (the case of *Hasan and Eylem Zengin* and the case of *Mansur Yalçın*) the ECtHR invoked Article 46 to ensure the Turkish education system respect parents' convictions.⁶⁰³ Similarly, considering the place of religion on birth certificates (the case of *Sinan Işık*), the Court found that the requirement to state a person's religion on their identity card violated Article 9 of the Convention, and indicated that the deletion of the 'religion' box on identity cards would be an appropriate form of reparation to put an end to the breach in question.⁶⁰⁴

It is interesting to note that the first application to the ECtHR by Alevis about accommodation of their difference dates back to January 2004, the same year as the constitutional amendment package that provided precedence to the ECHR over domestic law. Over the years, Alevis have brought five cases before the ECtHR against Turkey. These are about compulsory religious education (2 cases), the compulsory designation of

⁶⁰¹ Ibid 70.

⁶⁰² Philip Leach, *Taking a Case to the European Court of Human Rights* (Oxford University Press 2011) 89.

⁶⁰³ *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007); *Mansur Yalçın and Others v. Turkey* App no 21163/11 (ECtHR, 16 September 2014).

⁶⁰⁴ Philip Leach, *Taking a Case to the European Court of Human Rights* (Oxford University Press 2011) 90-91; *Sinan Işık v. Turkey* App no 21924/05 (ECtHR, 2 February 2010).

religion on birth certificates, the status of *cemevi* and the public religious services for Alevis (the status of the Diyanet).⁶⁰⁵ In all these five cases, the ECtHR ruled in favour of the Alevi applicants. In this regard, Anagnostou and Andreescu consider the ECtHR as a ‘unique forum’ for the Alevi movement to challenge the domestic law, since the ECHR framework offers indirect opportunity structures for social movements like the Alevi movement.⁶⁰⁶ Opportunity structures refer to the set of rules that a political and legal system offer to particular political actors to make recognition claims.⁶⁰⁷ According to Koopmans,

The key idea underlying the concept of opportunity structures is that the structures, institutions and elite attitudes *external* to a social group or organization shape whether and how a group or organization mobilizes, including when and why it chooses to pursue (or not to pursue) a legal and/or political strategy.⁶⁰⁸

I argue that the ECtHR as an opportunity structure is quite limited and functions to further impose Islamic framework to understand Alevi traditions.

As examined in Chapter 4, the EU accession process and subsequent democratization policies in Turkey led to a shift in advocacy of some Alevi organizations such as the PSAKD. PSAKD that aimed to advocate Alevism as a life style or philosophy, leaned on conceptualizing it as a distinct belief or religion in this process. Nonetheless, PSAKD⁶⁰⁹ continue to make an effort to differentiate Alevism from Islam, as opposed to CEMö⁶¹⁰ which portrays Alevism as a Sufi Islamic tradition. This difference in conceptualization is also evident in the ECtHR cases. For instance, the first two cases (the case of *Hasan*

⁶⁰⁵ *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007); *Sinan Işık v. Turkey* App no 21924/05 (ECtHR, 2 February 2010); *Mansur Yalçın and Others v. Turkey* App no. 21163/11 (ECtHR, 16 September 2014); *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* App no. 32093/10 (ECtHR, 2 December 2014); *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016).

⁶⁰⁶ Dia Anagnostou and Liviu Andreescu, ‘The European Court of Human Rights in National Struggles around Religion and Education’ (2019) 12(S1) *Politics and Religion* 134-150.

⁶⁰⁷ *Ibid.*

⁶⁰⁸ Ruud Koopmans, ‘Political Opportunity Structure Some Splitting to Balance the Lumping’ (1999) 14(1) *Sociological Forum* 93-105, 96.

⁶⁰⁹ ‘PSAKD’nin 15. olağan genel kurulu başladı’ (Pirha, 21.04.2018), available at <https://www.pirha.net/psakdnin-15-olagan-genel-kurulu-basladi-118363.html/21/04/2018/> (accessed 21 January 2019).

⁶¹⁰ ‘Cem Vakfı Alevi İslam İnanc Hizmetleri Başkanlığı, Dar Kapsamlı İnanc Onderleri Temsilciler Meclisi Toplantısı Sonuç Bildirgesi’ (Cem Vakfı (CEM), 03.11.2018), available at <http://www.cemvakfi.org/pages/Haber/183/dar-kapsamli-inanc-onderleri-temsilciler-meclisi-toplantisi-sonuc-bildirgesi> (accessed 8 January 2019).

and Eylem Zengin on compulsory religious education and the case of *Sinan Işık* on birth certificates) were initiated by lawyers who were members of PSAKD, while the last three (case of *Mansur Yalçın* on compulsory religious education; *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı –CEM- v. Turkey* on the status of *cemevi*; and *İzzettin Doğan and Others* on public religious services for Alevis) were represented by lawyers of CEM. In the first two cases, the Alevi claimants' statements about Alevism are clearly different from the last three cases. While in the first two cases the Alevi claimants presented that Alevism is a way of life or philosophy, in the three cases brought by CEM, CEM argued that Alevism should be represented as an Islamic tradition, distinct from Sunni Islam. Not only is conceptualization of Alevism distinct, but also the arguments about the violation of rights are different between the cases brought by PSAKD and CEM. For instance regarding the two cases on compulsory religious education, the applicants Hasan and Eylem Zengin primarily emphasized the lack of opting out mechanisms for Alevi parents, while the Mansur Yalçın complained about the content of the education. Similarly, in the case of *Sinan Işık*, the applicants argued that the principle of secularism requires state neutrality, while İzzettin Doğan and others advocated for public religious services to be provided for Alevis.

5. 3. Relevant Provisions of the European Convention on Human Rights

Provisions of the Convention in matters relating to religion are laid down in Article 9 and 14 as well as Article 2 of Additional Protocol No. I. Article 9 provides the basic framework for freedom of religion, Article 14 ensures that ECHR-acknowledged rights should be free from religious discrimination, and Article 2 of Additional Protocol No. I gives parents the right over the religious education of their children.

The first and most central to Alevi claims is Article 9, which declares:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of

public order, health or morals, or for the protection of the rights and freedoms of others.

Article 9 (1) provides a positive right to both freedom of thought, conscience and religion (known as *forum internum*) and the manifestation of one's religion or belief (*forum externum*).⁶¹¹

The second relevant Article is Article 14, which ensures that

[t]he enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

However, the ECHR only prohibits discrimination in regard to the rights protected under the ECHR. Finally, Article 2 of Additional Protocol No. I, concerning the right to education, stipulates that “the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

Religion occupies a prominent place in public law as well as international human rights law.⁶¹² In parallel, the ECtHR considers freedom of religion as a substantive right.⁶¹³ Freedom of religion, together with the principle of secularism, is often praised by the Court as one of the fundamental tenets of democratic societies, necessary to ensure pluralism.⁶¹⁴ The Court also notes that the case law dealing with matters of religion has been increasing over the past ten years, given the increasing importance of religion in plural societies and thereby the clashes between the interests of individuals and states.⁶¹⁵ The research division of the Court also adds, “there is hardly any case-law concerning the main religions because the tenets are known and the relations with the States are well established. However, the issue is more delicate regarding minority religions and new religious groups that are sometimes

⁶¹¹ Russell Sandberg, *Law and Religion* (Cambridge University Press 2011) 82.

⁶¹² Winnifred F Sullivan, 'Judging Religion' (1998) 81 MARQ L REV 441.

⁶¹³ *Kokkinakis v Greece* App no 14307/88 (ECtHR, 25 May 1993) para 31.

⁶¹⁴ See *Leyla Sahin v. Turkey* App no 44774/98 (ECtHR, 10 November 2005).

⁶¹⁵ ECtHR Research Division, 'Overview of the Court's Case-law on Freedom of Religion' (31.10.2013) 5 (para 8), available at http://www.echr.coe.int/Documents/Research_report_religion_ENG.pdf (accessed 8 January 2019).

called “sects” at national level.”⁶¹⁶ The Court also noted that “the multicultural and church and state aspects” of Article 9 have brought about challenges.⁶¹⁷

Margin of appreciation

Margin of appreciation is a doctrine that the ECtHR uses to balance the claims and state defences, particularly used for interpreting Article 8-11 of ECHR. In this sense, “it is a method determining aberrant state action, in conjunction with the consensus standard.”⁶¹⁸ The Court’s application of margin of appreciation is case-law dependant. For instance, in dealing with religious education, the ECtHR grants a wide margin of appreciation to states due to great variety in implementing the principle of state neutrality.⁶¹⁹ In general, the less consensus reached among member states on a specific matter, the wider margin of appreciation is given.⁶²⁰ In this regard, the ECtHR emphasizes its supervisory role and underlines its respect for context-dependent regulations on religion. Similarly on the relation between a religion and the State, the margin of appreciation is kept wide, owing to specific historical, cultural and political dynamics and arrangements by the States.⁶²¹ On the other hand, the margin of appreciation should be limited when considering what counts as religion. The Guidance Note on Article 9 of the ECHR states that:

Religious and philosophical beliefs concern individuals’ attitudes towards religion, an area in which even subjective perceptions may be important in view of the fact that religions form a very broad dogmatic and moral entity which has or may have answers to every question of a philosophical, cosmological or moral nature (*İzzettin Doğan and Others v. Turkey* [GC], § 107). Accordingly, the State has a narrow margin of appreciation and must advance serious and compelling reasons for an interference with the choices that people may make in pursuance of the religious standard of behaviour within the sphere of their personal autonomy.⁶²²

⁶¹⁶ Ibid 6 (para 11).

⁶¹⁷ Ben Vermeulen and Marjolein van Roosmalen, ‘Freedom of Thought, Conscience and Religion’ in Pieter van Dijk, Fried van Hoof, Arjen van Rijn, Leo Zwag (eds), *Theory and Practice of the European Convention on Human Rights* (5th edition, Intersentia 2018) 738.

⁶¹⁸ Howard C Yourow, *The Margin of Appreciation Doctrine in the Dynamics of European Human Rights Jurisprudence* (Vol. 28 Martinus Nijhoff Publishers 1996) 195.

⁶¹⁹ Ibid.

⁶²⁰ Ibid.

⁶²¹ European Court of Human Rights, ‘Guidance Note on Article 9 of the European Convention of Human Rights’ (31 December 2019) 43 (para 18), available at https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf (accessed 21 April 2020).

⁶²² Ibid 28 (para 76).

The application of the above mentioned provisions on Alevi cases are analysed in the following sections.

5. 4. *Hasan and Eylem Zengin v. Turkey, on Compulsory Religious Education*

The first case before the ECtHR regarding Alevis' recognition claims was about compulsory religious education.⁶²³ Despite the parents of Eylem Zengin objecting to their children's compulsory attendance in these classes and applying for legal review, their applications were rejected under provisions of the relevant legislation, as discussed in Chapter 4. Failing to find an adequate remedy at domestic level, one family took their complaint to the ECtHR, where Turkey was found in violation of Article 2 of Additional Protocol No. I.⁶²⁴

Domestic proceedings

Prior to the case reaching the ECtHR, Hasan Zengin, father of Eylem, submitted a request for his daughter's exemption from religious culture and ethics classes to the Provincial Directorate of National Education at Istanbul Governor's Office.⁶²⁵ He argued that the compulsory nature of religious culture and the ethics course was incompatible with the principle of secularism.⁶²⁶ In this regard, it is important to underline that Hasan Zengin's primary objection was the incompatibility of compulsory religious education with the principle of secularism, rather than asking for Alevi teaching to be included in the curriculum. His request was declined on the basis of Article 24 of the Constitution, which proclaims religious education as a compulsory subject in primary and secondary schools, as well as under Article 12 of State Education Act (Law no. 1739), which maintains the principle of secularism as the basis of the Turkish education system.⁶²⁷ Subsequently, Hasan Zengin

⁶²³ Ibid.

⁶²⁴ Ibid.

⁶²⁵ Interview with Kazım Genç, December 2015, Ankara.

⁶²⁶ İstanbul 2. İdare Mahkemesi (Administrative Court), E. 2001/537, K. 2001/1756 (28.12.2001); Danıştay 8. Daire (Council of State), E. 2002/2939, K. 2003/1720 (14.04.2003).

⁶²⁷ Article 24 of the Constitution, in so far as relevant, provides:

"1. Everyone has the right to freedom of conscience, religious belief and conviction.

applied to the İstanbul Administrative Court (İdare Mahkemesi) for judicial review.⁶²⁸ Here, he argued for the incompatibility of being an Alevi with the religious education curriculum, which focus on the teaching of Hanafite Islam and do not provide teaching on Alevi faith. Thus, Hasan Zengin's objection was revised in the Administrative Court. Instead of arguing that the religious education was incompatible with secularism, he argued that it was incompatible with being Alevi, as there was no teaching on Alevism; but the Hanafite Islamic teaching. The Administrative Court rejected the case on the ground that compulsory religious education was compatible with Article 24 of the Constitution and Article 12 of the National Education Act.⁶²⁹ The Appeal Court also dismissed Hasan Zengin's request for his daughter's exemption from religion classes on the ground that the Administrative Court decided in line with the procedural rules and the legislation.⁶³⁰ Therefore, based on the constitution and relevant provisions, Hasan Zengin's claims were dismissed by the domestic courts, without evaluation of his substantive claims and an analysis of the curriculum.

The ECtHR's Judgment

*Hasan and Eylem Zengin v. Turkey*⁶³¹ is the first case that the ECtHR was called upon to deal with Alevis' claims. This case is significant for two reasons: the conceptualization of Alevism; and the ruling on religious education ethics classes in Turkey. In this case, we see the ECtHR

2. Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14.

3. No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

4. Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

5. No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets."

Section 12 of the State Education Act (Law no. 1739) provides:

"Secularism is the basis of Turkish state education. Religious culture and ethics shall be among the compulsory subjects taught in primary and upper secondary schools and in schools of an equivalent level."

⁶²⁸ İstanbul 2. İdare Mahkemesi (Administrative Court), E. 2001/537, K. 2001/1756 (28.12.2001).

⁶²⁹ İstanbul 2. İdare Mahkemesi (Administrative Court), E. 2001/537, K. 2001/1756 (28.12.2001).

⁶³⁰ Danıştay 8. Daire (Council of State), E. 2002/2939, K. 2003/1720 (14.04.2003).

⁶³¹ *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007).

conceptualising Alevism for the first time. This conceptualization has been used as a precedent in subsequent cases brought by Alevis.⁶³² Additionally, the Court's ruling about the religious education and ethics classes in Turkey paved the way for a reform in religious education curriculum, which introduced some topics on the Alevi traditions from the state's perspective; but also more teaching on Islam in the form of elective courses on the prophet Muhammad's life.⁶³³ The Hanefite view of Islam continued to dominate the curriculum, leading to the case of *Mansur Yalçın*, yielding the same finding on the violation of Article 2 of Additional Protocol No. 1 by Turkey.

Article 2 of Additional Protocol No. I to the Convention concerns one specific aspect of freedom of religion, namely the right of parents to ensure the education of their children in accordance with their religious convictions. As far as the relevant case law is concerned, the Court makes a distinction between religious education and religious indoctrination. The latter is considered to carry the possibility of not respecting parents' religious convictions.⁶³⁴ In general, the cases about religious education are analysed in two aspects – the content of the curriculum and availability of an opt- out mechanism. For example, even though the content of a curriculum is heavily influenced by a religion, this does not result in a violation of Article 2 Additional Protocol No. I so long as a proper opt-out mechanism is provided. In line with its case law, the Court recognises the States' competence on the educational curriculum.⁶³⁵ For instance, in *Pedersen v Denmark*, the Court found that compulsory sex education did not violate parental freedom so long as “information or knowledge included in the curriculum is conveyed in an objective, critical, and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions. This is the limit that must not be exceeded.”⁶³⁶ In this vein, the ECtHR recognises the possibility of giving more

⁶³² Ibid para 9.

⁶³³ As discussed in Chapter 4.

⁶³⁴ Myriam Hunter-Henin, ‘Law, Religion and the School’, in Silvio Ferrari (ed) *Handbook of Law and Religion* (Routledge 2015) 259-271.

⁶³⁵ See *Dojan and Others v. Germany* App no 319/08 2455/08 7908/10 8152/10 8155/10 (ECtHR, 13 September 2011). Dealing with a complaint against Germany about mandatory sex education. The complaint was found inadmissible, since it was considered that “while the state had right to pursue its own educational goals, it was nevertheless under an obligation to act in a neutral and tolerant manner vis-à-vis the educational views of parents.”

⁶³⁶ *Kjeldsen, Busk Madsen and Pedersen v. Denmark* App no 5095/71 5920/72 5926/72 (ECtHR,

importance to the majority religion in the curriculum. In terms of the proper opt-out mechanism, the Court examines in depth the efficiency of the opt-out mechanism in securing the rights guaranteed under Art 2 of Additional Protocol No. I. For instance, in *Folgero v. Denmark*, parents successfully argued that religious education in Norway infringed parents' right secured with Article 2 of Additional Protocol No. I, despite the availability of a partial opt-out mechanism.⁶³⁷ The Court found that the partial opt-out mechanism places a heavy burden on parents and thus found Norway in violation of Article 2 of Additional Protocol No. I.⁶³⁸ In this finding, the Court stated that it was not the dominance of Christianity in the curriculum both in content and quantity that caused the violation; but the lack of a proper opt-out mechanism.⁶³⁹ Importance of opt out mechanism.

After establishing Alevism as a 'conviction' for the purposes of the Convention, which will be discussed below, the Court examined the case in terms of the content of the curriculum and the availability of opt-out mechanisms. In line with its case law, in *Hasan and Eylem Zengin*, the Court noted that the importance given to Islamic teaching could not in itself be considered contrary to Article 2 of Additional Protocol No I. However, as opposed to the Turkish government's claim that religious education was provided "in an objective, pluralist and neutral manner"⁶⁴⁰, the Court's analysis of the curriculum did not yield this conclusion. Conversely, the Court ruled that:

The instruction provided in the school subject "religious culture and ethics" cannot be considered to meet the criteria of objectivity and pluralism and, more particularly in the applicants' specific case, to respect the religious and philosophical convictions of Ms Zengin's father, a follower of the Alevi faith, on the subject of which the syllabus is clearly lacking.⁶⁴¹

As discussed in Chapter 4, in the Turkish system, only Christian and Jewish parents can ask for an exemption from compulsory religious education. However, the ECtHR found that the available opt-out mechanism in the

7 December 1976) para 53.

⁶³⁷ *Folgerø and Others v. Norway* App no 15472/02 (ECtHR, 29 June 2007).

⁶³⁸ *Ibid.* [11].

⁶³⁹ *Hassan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007) para 89.

⁶⁴⁰ *Ibid* para 42.

⁶⁴¹ *Ibid* para 70.

Turkish system was not sufficient as it compels the Jewish and Christian parents to reveal their religious convictions, notwithstanding the lack of any opt-out for the Alevi pupils. Therefore, the Court upheld that the classes on ‘religious culture and ethics’ breached the applicant’s rights protected under the Article 2 of Additional Protocol No. I.

Hasan and Eylem Zengin’s initial petition to the ECtHR (02.01.2004) made every effort to separate Alevism from Islam as well as to present it as a separate ‘religion’, or as the petition stated, ‘above religions’. According to the claimants’ advocate,⁶⁴² the statements about Alevism in the initial petition to the ECtHR were first prepared by the founders of the Alevi Bektaşî Federation in 2001, when they realized “an obvious need” for a unified claim on Alevism before courts for the hearing of ABKB, discussed in Chapter 4.5. These statements clearly revealed the difference of Alevism from “conventional” understanding of religion. It asserted: “Alevism created an original teaching through the synthesis of figures from different and various cultures, beliefs, and religions. It is a philosophy, a belief, a way of life, a teaching and indeed transcends all these and becomes a social phenomenon which situates the human being in the centre, peculiar to Anatolia.”

On this account, the petition did not state whether or not Alevism was a religion, albeit “above religions”. It further described Alevism with reference to secular principles of humanism, democracy, rationality, civilization, universal tolerance, secularism, environmentalism, art, and equality between women and men. Some of these subheadings were elucidated through Alevi *deyiş/nefes*. Yet respecting these principles were not tied to a religious doctrine or a theology. For instance, the petition stated that “Alevi consider nature such as trees, mountains and water as ‘holy’ because they protect nature.” Indeed, the petition commented on the holiness of nature, stating that the “holiness of nature must originate from protecting nature as the source of life.”

As discussed in Part I, religion as universalised is construed as a system of belief, where traditional practices and rituals are tied to a set of beliefs. Since simply feeling love for nature and protecting it were not enough

⁶⁴² Interview with Kazım Genç, August 2010, December 2015, January 2016, December 2018, Ankara.

to place Alevism in the realm of the religious, belief had to follow this action of protecting the nature. In this vein, the Alevi claimants presented an argument that placed them within religion by outlining a series of principles to which Alevis must conform in living their lives. Recalling the epistemic attitude to tradition and the compulsion of such approach to frame beliefs or doctrines preceding actions, as discussed in Chapter 2, these principles that are cited above also ‘explained’ actions and were thus instrumental in presenting an Alevi world-view. In this respect, it was a quintessentially religious move on the part of Alevis to frame their petition in this way. Simultaneously they were ‘above religions’ because they were not specific to *one* religion but combined elements from Islam, Zoroastrianism etc.

In addition to the attempts to embed beliefs in Alevi traditions, the petition represented God (Tanrı) as being equal to human beings, thus God was not superhuman. According to the Alevi, human beings instigated creation and created life. At the hearing before the ECtHR (03.10.2006) Hasan and Eylem Zengin’s advocate, Kazım Genç, introduced Alevism as a cultural and belief-centred ‘original teaching’, ‘belief, philosophy, and system of thought’ and an Anatolian-oriented ‘belief system’. Its philosophy is that ‘everything is equal and one’, and focuses on a ‘unity of creatures’. He stated that interpreting Alevism within one religion or belief system is ‘misleading’. He later continued differentiating it from Islam since Islam has obligations and believes in God above everything, life after death, destiny, and follows doctrine, whereas Alevism argues for a teaching, which is related to human beings, focus on this world, society, and development.⁶⁴³

The Government’s view on Alevism

In Zengin case, the Government argued that the syllabus did not take into account “the vision of members of a branch [mezhep] of Islam or a religious order [tarikât]” and further stated that “knowledge of the Alevi faith, which seemed to belong more to the area of philosophy, required more in-depth teaching.”⁶⁴⁴ In this connection, the Government implicated that Alevism fell into the area of philosophy, either as an Islamic branch (mezhep) or order

⁶⁴³ Interview with Kazım Genç, the lawyer of the case, (Ankara, Turkey, 10 August 2010; 24 December 2015; 28 November 2018). Also see the petition to the ECtHR for the case of *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007).

⁶⁴⁴ *Hassan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007) para 43.

(tarikât). As examined in Chapter 4, this is also the Diyanet's view on Alevism. This view has been instrumentalised to assimilate Alevis into Islam by transforming the categorical difference of the Alevi traditions into Alevism as an experiential entity.

In parallel, the Government suggested to extend the exemption that was legally granted to Jewish and Christian pupils⁶⁴⁵ to pupils of Atheist parents, who wish to opt-out.⁶⁴⁶ Yet, the Government did not offer this opt-out option for the Alevi pupils. The Government's assimilationist view is apparent in this suggestion. By suggesting to extend the exemption to Atheist parents but not Alevis, the Government implicitly put two alternatives for Alevi parents: either to subscribe to Atheism or remain included within Islam. As included in Islam, the Government emphasised that the religious education is compulsory as the state's duty to "prevent abuses" and "to protect children from myths and erroneous information, which gave rise to fanaticism."⁶⁴⁷ This very same justification for state control of religion has also been used for banning public manifestations of religion through the Law no 677, as discussed in Chapter 4. From the eyes of the Turkish government, Alevi pupils are in need of religious education provided by the Government to ensure that they would not indulge in myths and fanaticism, to be good citizens of the Turkish nation. The Government's defence, therefore, implicated that the state would possess and transmit the best knowledge on religion, 'true religion'.

Evaluation of the Court on the nature of Alevism

Although this judgment resulted in favour of the Alevi applicants, the Court's evaluation of Alevism differed not only from the Government's view; but also from how the Alevi applicants presented Alevism. The ECtHR Guidelines on Article 2 of Additional Protocol No. 1 underlines that the word convictions is different from 'opinions' and 'ideas'.⁶⁴⁸ ECtHR case law also affirms that the term conviction "denotes views that attain a certain level of

⁶⁴⁵ Eğitim Öğretim Yüksek Kurulu Kararı, "Din Kültürü ve Ahlak Bilgisi Dersine Girme Zorunluluğu Olmayan Öğrenciler" (09.07.1990).

⁶⁴⁶ *Hassan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007) para 44.

⁶⁴⁷ *Hasan and Eylem Zengin v. Turkey* App no: 1448/04 (ECtHR, 9 October 2007) para 40 and 44.

⁶⁴⁸ European Court of Human Rights, 'Guide on Article 2 of Protocol No. 1 to the European Convention on Human Rights' (31 August 2019) 16, available at https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf (accessed 21 April 2020); *Valsamis v. Greece* App no 21787/93 (ECtHR, 18 December 1996) paras 25 and 27.

cogency, seriousness, cohesion and importance".⁶⁴⁹ In this connection, in its judgment, the ECtHR first examined whether or not the Alevi faith could be considered as a religious or philosophical conviction. The Court considered Alevism as a conviction: Para 66 of the judgment reads as follows:

As to the Alevi faith, it is not disputed between the parties that it is a religious conviction which has deep roots in Turkish society and history and that it has features which are particular to it (see paragraphs 8-9 above). It is thus distinct from the Sunni understanding of Islam which is taught in schools. It is certainly *neither a sect nor a "belief" which does not attain a certain level of cogency, seriousness, cohesion and importance*.⁶⁵⁰

However, the Court went further in its analysis of the nature of Alevism and eventually entered into a theological debate. Based on the submissions made by the applicant and Turkish government, the ECtHR outlined what Alevism is as follows:

Alevism originated in central Asia but developed largely in Turkey. Two important Sufis had a considerable impact on the emergence of this religious movement: Hoca Ahmet Yesevi (12th century) and Hacı Bektaşî Veli (14th century). This belief system, which has deep roots in Turkish society and history, is generally considered as one of the branches of Islam, influenced in particular by Sufism and by certain pre-Islamic beliefs. Its religious practices differ from those of the Sunni⁶⁵¹ schools of law in certain aspects such as prayer, fasting and pilgrimage.⁶⁵²

Additionally, Para 9 of the judgment reads:

According to the applicant, Alevism is a belief or philosophy influenced by other cultures, religions and philosophies. It represents one of the most widespread faiths in Turkey after the Hanafite branch of Islam. It advocates close contact with nature, tolerance, modesty and love for one's neighbour, *within the Islamic faith*. Alevis reject the sharia (code of laws in orthodox Islam) and the sunna (forms of behaviour and formal rules of orthodox Islam) and defend freedom of religion, human rights, women's rights, humanism, democracy, rationalism, modernism, universalism, tolerance and secularism. Alevis do not pray by the Sunni rite (in particular, they do not comply with the obligation to pray five times daily) but express their devotion through religious songs and dances (*semah*); they do not attend mosques, but meet regularly in *cemevi* (meeting and worship rooms) for ritual ceremonies. Equally,

⁶⁴⁹ See *Valsamis v. Greece* App no 21787/93 (ECtHR, 18 December 1996), *Campbell and Cosans v. the United Kingdom* App no 7511/76 7743/76 (ECtHR, 25 February 1982).

⁶⁵⁰ *Hasan and Eylem Zengin v. Turkey* App no: 1448/04 (ECtHR, 9 October 2007) para 66.

⁶⁵¹ The majority of Turkey's population follows the Hanafite theological school's moderate interpretation of Islam.

⁶⁵² *Hasan and Eylem Zengin v. Turkey* App no: 1448/04 (ECtHR, 9 October 2007) para 8.

Alevis do not consider the pilgrimage to Mecca as a religious obligation. They believe that Allah is present in each person. According to Alevism, Allah created Adam in his image and all his manifestations in this world are in human form. Allah is neither in the sky nor in paradise, but in the centre of the human heart.⁶⁵³

The Court compared Sunni Islam and Alevism in order to distinguish them within the Islamic faith. The principles of Sunna and Sharia in Islam were contrasted to the secular principles of ‘freedom of religion, human rights, women’s rights, humanism, democracy, rationalism, modernism, universalism, tolerance and secularism’ in Alevism. This contrast actually points to Alevism being outside Islam. When the above conceptualization is closely examined, it is not clear how and why Alevism was situated within Islam. As cited above, Alevis neither accept Sharia nor Sunna. They do not abide by the pillars of Islam such as praying and fasting. They respect values that do not have a basis in Islamic theology.⁶⁵⁴ Despite acknowledging these differences of Alevis, the Court attributed Alevis a religion by situating them within Islamic faith.

It is also important to underline that there were five representatives of Hasan and Eylem Zengin, although the Court heard Mr. Genc as the lawyer. One of the representatives is Irene Melikoff. As mentioned above, she is a student of Köprülü and conceptualizes Alevism as a syncretic belief system influenced by the belief systems in Central Asia. The emphasis on Ahmet Yesevi and Hacı Bektaş is reminiscent of the conceptualization of Melikoff. Additionally the committee of the ECtHR judges in the case includes a Turkish judge. In this regard, it is not clear what might have influenced ECtHR’s conceptualization of Alevism, despite the lawyer’s submissions that picks out Alevism outside the fold of Islam. Moreover, Mr Genc informed me that Melikoff’s name was only included on the paper, during the hearing Mr. Genc asked if Melikoff wanted to contribute to the presentation before the Court and yet she did not make speech or submit a report.⁶⁵⁵

⁶⁵³ Ibid para 9.

⁶⁵⁴ Indeed, it is a hot debate whether Islam is compatible with these values; women’s rights, human rights, democracy. See Robin Wright, ‘Islam and Liberal Democracy: Two Visions of Reformation’ (1996) 7 (2) *Journal of Democracy* 64-75.

⁶⁵⁵ Interview with Kazım Genç, the lawyer of the case, (Ankara, Turkey, 28 November 2018).

The Alevi claimants' application endeavoured to present the Alevi tradition as a belief-guided tradition, commensurate with a religion, to be measured by the yardstick of secular law. Yet trying to comply with secular law ran contrary to the Alevi tradition, which does not have an epistemic approach to tradition. In this connection, the overall presentation of Alevism led to confusion in the ECtHR: The Court faced a claim for religious recognition, but in Alevism there is no God above everything, no revelation of God and no religious doctrine. Instead the Court observed mere respect for secular ideas. The confusion of the Court was clearly seen in its contemplation of Alevism. The most striking observation of the Court was to define Alevism 'within Islam' despite the Alevi applicants' submissions, whether written or verbal, did not argue such a claim. On the contrary, the application as cited above insistently differentiated Alevism from Islam. The applicant's advocate³ was asked three times in different interviews if the *Zengin* application implied Alevism within Islam. In both instances he responded in the negative.⁶⁵⁶

Note that in reaching this conclusion, the Court's analysis underlined the teachings of Quran, pilgrimage, belief in otherworld and daily prayers, which were the indicators to distinguish Alevism from Sunni Islam. Yet, these are essential properties of Islam. After disassociating Alevism with these properties, it is not clear what ties Alevism to Islam. The Court's judgment is silent on that. It just refers that 'many' consider Alevism within Islam, without a reference for this pre-empirical assertion and avoids how 'the rest' would take on its judgment.

To sum up, in *Hasan and Eylem Zengin*, the Court first conceptualised Alevism as a belief within Islam, peculiar to Turkish culture, and as such different from Sunni Islam. As discussed in Chapter 2 and 3, the framework of religious freedom and secular law presupposes the theological claim that religion is about 'truth' of a world-view that competes with other truth claims. This analysis helps us to see how Alevism is evaluated as a religion by the ECtHR. However, why the ECtHR did so by annexing Alevism to Islam is not very apparent. Chapter 2 discussed how the practices belonging to a tradition are transformed into the difference of cultures without an

⁶⁵⁶ Interview with Kazım Genç, the lawyer of the case, (Ankara, Turkey, 25 December 2015; 28 November 2018).

epistemic approach to tradition is interpreted by cultures with religion that bring an epistemic approach to religion. This difference is denied by converting these traditions also as variants of Semitic religions, which postulate certain beliefs to traditional practices that constitute a system of belief. Where this system seems lacking in Alevism, the ECtHR provided that for Alevis through Islamic theology.

According to Laborde, religion needs not to be defined semantically by the courts of secular law.⁶⁵⁷ Adopting an interpretative approach, she suggests that the values that religion promotes can be accommodated without needing to define religion. Indeed, the ECtHR could have been able to come to the same ruling without commenting on the religiousness of Alevism, without a semantic approach. To take recourse to Laborde's suggestion was easier in Zengin case because the claimants did not even argue that Alevism should be included in religious education curriculum. In this regard, the Court could have analysed the merits of the case merely through the lack of necessary opting out mechanisms. In this way, the Court could have eschewed entering in theology dispute. Yet, it did not follow this course of action.

5. 5. *Mansur Yalçın and Others v. Turkey, on Compulsory Religious Education*

Almost 7 years after the case of Hasan Eylem Zengin, in reminiscence of its decision in Zengin, the ECtHR found Turkey in violation of Article 2 of Additional Protocol No. I with respect to the compulsory religious education in Turkey in the case of *Mansur Yalçın and others v. Turkey*.⁶⁵⁸ When Yalçın's petition to be exempted from religious education was denied by the school administration, he opened a file at the Administrative Court. The Administrative Court ruled that the content of religious education curriculum is comprehensive enough to provide a general understanding of religion at schools. According to the expert opinion at the Administrative Court, the textbooks of 2005-2006 education year (that were the basis for *Hasan Eylem Zengin* decision) were suspended and a new curriculum had been introduced since the school year 2007-2008. The expert report concluded; "the

⁶⁵⁷ Cécile Laborde, *Liberalism's Religion* (Harvard University Press 2017).

⁶⁵⁸ *Mansur Yalçın and Others v. Turkey* App no. 21163/11 (ECtHR, 16 September 2014).

content of this new curriculum adopts a view that transcends sectarian views or different interpretations on Islam. Instead, it aims at an embracing view on the diversity of Islam through centralizing Quran and Muhammad." The report also referred to *cemevi* as cultural house (kultur evi), instead of places of worship.

At the ECtHR, Mansur Yalçın complained that the curriculum focused on the Sunni understanding of Islam and considered Alevism as a tradition and culture instead of a belief on its own.⁶⁵⁹ It further complained that by denying *cemevi* the status of place of worship, the government considers the Alevi worship of cem and *semah* as a mere cultural expression.⁶⁶⁰ Mansur Yalçın argued that such a view oversimplifies the distinct features of Alevism.⁶⁶¹ In light of these arguments, the ECtHR remained reluctant to make a bold statement about the religiosity of Alevism. The court referred to Alevism as a "confession"⁶⁶² and yet avoided describing it; but confession is a specific concept to the Christian theology.⁶⁶³ The ECtHR assessed the issue as a dispute over the content of religious education and thereby examined the curriculum for the school year 2011-2012. While acknowledging the amendments in the curriculum, the ECtHR found that no viable mechanism to opt out from religious education is available to parents and therefore once again found Turkey in violation of Article 2 of Additional Protocol No. 1.

The case of Yalçın is different from the case of Zengin about framing of claims. In Zengin, the primary objection of the Alevi claimants was that compulsory religious education is not compatible with the principle of *laïcité* in Turkey, whereas in the case of Yalçın, the Alevi claimants did not object to the existence of religious education. Instead, the focus of their argument was the content of the curriculum. It is stated above that the ECtHR examines claims about Article 2 of Additional Protocol No. 1 in terms of content and opt-out mechanisms. In this regard, the locus of Mr. Zengin's objection was the lack of opt-out mechanisms, while Mr. Yalçın pointed to the content of the education. Here, we witness that the stark difference between

⁶⁵⁹ Ibid para 12.

⁶⁶⁰ Ibid para 68.

⁶⁶¹ Ibid para 51.

⁶⁶² Ibid para 5.

⁶⁶³ Jakob De Roover, *Europe, India, and the Limits of Secularism* (Oxford University Press 2015).

two segments of the Alevi movement affect how the Alevi claims making are shaped and how Alevism was constructed in front of law.

As discussed in detail in Chapter 4, my case analysis shows that national courts are not consistent in taking into account ECtHR judgments in their decisions. Even though they do refer to ECtHR judgments, this does not necessarily result in favour of Alevi parents. Also I argue that these ECtHR judgments are not efficient in prompting the Turkish government to make the necessary changes to national law, because of the partial implementation of the ECtHR judgments. The Turkish government initiated changes in curriculum content, which is one of the two points of analysis by the ECtHR, the other providing proper opting out mechanisms. Following the introduction of the new curriculum, national courts mainly ruled against Alevi parents without analysing the necessity of proper opting out mechanisms, because they ruled that the information delivered in religious education is impartial and not indoctrinating. Following the case of *Mansur Yalçın*, the Turkish government has not taken any steps either for further amendments or introducing opting out mechanisms for Alevis.

5. 6. *Sinan Işık v. Turkey*, on Place of Religion in Identity Cards

The second case, followed by the Zengin case, was concerned a challenge to the religion section of all Turkish birth certificates. Under Article 43 of Law No. 1587 on Civil Registry Services (replaced by the Article 7 of Law No. 5490 enacted in 2006), ‘religion’ is to be recorded in family registers and identity cards (birth certificate).⁶⁶⁴ Only since 2006, based on the Article 35 of Law no. 5490, have Turkish citizens been allowed to modify, delete, or edit the religion section of their identity cards upon receipt of a written statement.⁶⁶⁵ In addition, Section 3 of Article 24 of the Constitution guarantees the freedom of conscience, belief and religious conviction. Sinan Işık, an Alevi citizen, objected to the inscription of ‘İslam’ on his identity card and asked for its replacement with Alevi. The case was finalized in the Supreme Court of Appeal (Yargıtay) against his request on the grounds that Alevism is not a

⁶⁶⁴ Nüfus Hizmetleri Kanunu (Civil Registry Services Law), Law no. 5490 (25.04.2006).

⁶⁶⁵ Ibid, Article 35 “(2) Aile kütüklerindeki din bilgisine ilişkin talepler, kişinin yazılı beyanına uygun olarak tescil edilir, değiştirilir, boş bırakılır veya silinir”.

separate religion, but exists within Islam. When this was challenged before the ECtHR, the Court held that requiring religion to be stated on identity cards is a violation of Article 9 of the Convention.⁶⁶⁶ In this regard, the Court did not comment on whether Islam could be replaced with Alevism.

At national level, upon the first-instance court's request,⁶⁶⁷ the Diyanet (2004) issued an opinion paper on Alevism. It affirmed that Alevism is considered neither a separate religion nor a sect (mezhep) but a subgroup of and 'cultural' interpretation within Islam. The Diyanet argued that Alevi means the follower of Ali, who is the son in law to the Prophet Mohammad and the caliph of Islam, while Alevis in Turkey were affiliated with Yesevi tradition and Bektasi tariqa. It also held that the Law no. 677 banned tariqas and tekkes, while keeping mosques as the only places of worship for Muslims. Therefore, in view of the Diyanet, replacing Islam with different subcultural and religious interpretations of Islam (*dini yorum ve alt kültür yorumları*) runs contrary to national unity, republican principles and the principle of secularism.⁶⁶⁸ Ironically, the principle of secularism is considered as a justification to reject the Alevi claimant's request.

As a response to the Diyanet's opinion, Sinan Işık argued that the Diyanet as the representative of Islam is not an authority to provide an objective opinion on Alevism and if the Court had to seek an opinion, it should do so by asking ABKB (the Federation of Alevi Bektasi Associations). Sinan Işık also presented his views on Alevism with reference to the ABKB's declaration on Alevism.⁶⁶⁹ The summary of these views are as follows: Alevism is a way of life, philosophy and culture as well as social phenomenon that tries to understand nature, society and god. The petition by Sinan Işık also cited Edip Harabi's *deyiş/nefes*:⁶⁷⁰

Daha Allah ile cihan yok iken / Biz anı var edip ilan eyledik / Hak'a
hiçbir layık mekan yok iken / Hanemize aldık mihman eyledik

⁶⁶⁶ *Sinan Işık v. Turkey* App no 21924/05 (ECtHR, 2 February 2010).

The Court held by six votes to one that there has been a violation of Article 9 of the Convention and held by six votes to one that there is no need to examine separately whether there has been a violation of Articles 6 and 14.

⁶⁶⁷ 11. Asliye Hukuk Mahkemesi (Civil Court of First Instance), E. 2004/239, K. 2004/355 (07.09.2004).

⁶⁶⁸ Diyanet, Opinion no. 2004/239 (23.06.2004).

⁶⁶⁹ This case is discussed in Chapter 4.6.

⁶⁷⁰ As also referred in Chapter 3.4, This particular *deyiş/nefes* is often quoted on the issue of the existence of God or Alevism's link to Islam.

Kendisinin ismi henüz yok idi / İsmi şöyle dursun cismi yok idi / Hiçbir kıyafeti resmi yok idi / Şekil verip tıpkı insan eyledik.⁶⁷¹

It is interpreted for the utmost importance given to the human being in Alevi culture. With reference to other sources,⁶⁷² my translation of this *deyiş/nefes* would be the following:

While God and the world did not exist / we created and announced time
/ while there was no place for *hak* / we put it in our heart.
While it did not have a name / and not even a shape /
without clothes and picture / we gave it a shape, just like a/the human.

The first-instance court followed the Diyanet's view and stated that Ali is demonstrated as the lion of Allah in Alevism and since Ali is one of four Caliphs, Alevism is an Islamic faith. It further held that Alevism is an interpretation of Islam and therefore no error of law was made. The Supreme Court of Appeal confirmed the first-instance court's, without giving any other reasoning.

Both the Diyanet and national courts considered the place of Ali in Alevi culture and Ali in Islam in the same category and found this sufficient for linking Alevi culture to Islam through Alevism. Recalling the compulsion of cultures with religion to embed beliefs to actions, cultures without religion are framed and understood only through some beliefs attached to their traditional practices. In this vein, Balagangadhara suggests that from the perspective of a religious tradition, "to know a people or culture is to know their 'beliefs'. Because all human actions are expressions of beliefs, to know cultures is to have knowledge about the beliefs of these cultures."⁶⁷³ However, as the difference between Ali in Islam and Ali in Alevi traditions discussed in Chapter 2 and 3, from a methodological perspective for analysing cultural differences, elements existing in cultures that resemble one another might be the products of different configurations that as a whole shape the culture.⁶⁷⁴ The national authorities neglected the particular features of Alevi culture and thus transformed the Alevi practice of calling Ali as the lion of god in poetry and the predominant place of Ali as the *insan-ı kamil* (perfect human being)

⁶⁷¹ Dertli Divani, 'Edip Harabi- Vahdetname' (2015) 20, May, Sercesme Dergisi 18-22, 20.

⁶⁷² Ibid.

⁶⁷³ S.N. Balagangadhara, "The Heathen in His Blindness"---: Asia, the West, and the Dynamic of Religion (Brill 1994) 401-402.

⁶⁷⁴ Ibid 427.

into the belief in Ali as the Prophet Mohammad's son in law in Islamic theology.

In his application to the ECtHR, Sinan Işık complained that the denial of his request to replace the word "Islam" on his identity card with "Alevi" violated Article 9 of the Convention. He further alleged that the Turkish courts had violated Article 6, which protects the right to a fair trial, by asking for an opinion on the status of Alevism only from Diyanet (2004), excluding the view of Alevi organisations. In this regard, the request at the ECtHR was not to replace Islam with Alevism, but about the incompatibility of the place of religion in identity cards and the principles of Turkish *laiklik*.

In its defence, the Government argued that the religion section of the identity cards serve for the purposes of public policy, the general interest and social imperatives.⁶⁷⁵ Moreover, according to the Government, there is no direct link between the religion section on identity cards and the freedom of religion and therefore the requirement cannot be considered as a hindrance on the freedom to manifest one's religion.⁶⁷⁶

The ECtHR, however, rejected the Government's argument that the religion section in identity cards was for demographic purposes since the legislation makes the declaration of one's religion mandatory.⁶⁷⁷ The Court analysed the case as concerning the negative aspect of freedom of religion, which addresses the right of a person not to be obliged to manifest his or her beliefs.⁶⁷⁸ In this connection, the Court emphasized that the indication of religion on identity cards, whether obligatory or optional, is contrary to Article 9 of the Convention.⁶⁷⁹

The ECtHR also held that the applicant's inability to replace the "Islam" entry on his identity card with the word "Alevi", because the Diyanet considered that the Alevi religion was only a branch of Islam, runs contrary to the State's duty of neutrality and therefore constitute a breach of the State's duty of neutrality and impartiality."⁶⁸⁰ In this connection, the Court stated that

⁶⁷⁵ *Sinan Işık v. Turkey* App no 21924/05 (ECtHR, 2 February 2010) para 34.

⁶⁷⁶ *Ibid* para 33.

⁶⁷⁷ *Ibid* para 44.

⁶⁷⁸ *Ibid* para 41 and para 42 reads: "What is at stake is the right not to disclose one's religion or beliefs, which falls within the forum internum of each individual."

⁶⁷⁹ *Ibid* para 51, 52 and 60.

⁶⁸⁰ *Ibid* para 46.

The State's duty of neutrality and impartiality, as defined in its case-law, is incompatible with any power on the State's part to assess the legitimacy of religious beliefs, and requires the State to ensure that conflicting groups tolerate each other, even where they originated in the same group (see, *mutatis mutandis*, *Manoussakis and Others v. Greece*, 26 September 1996, § 47, Reports of Judgments and Decisions 1996-IV, and *Metropolitan Church of Bessarabia and Others v. Moldova*, no. 45701/99, § 123, ECHR 2001-XII).⁶⁸¹

In analysing the merits of the case, the ECtHR first referred to the case of *Hasan Eylem Zengin* for the religious nature of Alevism, moreover, it added that Alevism is influenced by Sufism and certain pre-Islamic beliefs.⁶⁸² Yet none of the applications made by Sinan Işık at national or international level shared this view on Alevism's relation to Sufism. Here, in close parallel to *Hasan Eylem Zengin*, the judgment in *Sinan Işık* also distorts what Alevis argued for and conceptualizes an Alevism, based on contemporary social science research. As discussed in Chapter 3, the claims linking Alevis to Sufism is loose and even might imply a process of secularization of Islam. Additionally, the term 'pre-Islamic' implies non-Islamic. It is not clear how it links Alevism to Islam, in the eyes of the ECtHR. Therefore, the ECtHR too, like the Government, could not keep its neutrality in its analysis of Alevism. In this connection, it is also important to remind that as opposed to the representation of Alevism in the case of *Sinan Işık*, we witness a more explicit connection between Alevism and Sufism at the ECtHR in the following cases brought by Alevis. I suggest that it may imply a pattern in the ECtHR judicial opinion for an Alevi case law which is also revealed in the case of *Dogan and others* and which introduces a sectarian division between Alevi Islam and Sunni Islam in Turkey.⁶⁸³

It is also interesting to note that the case of *Sinan Işık* and *Hasan and Eylem Zengin* were argued by an Alevi lawyer, who was the chairman of PSAKD at the time, while the case of *Mansur Yalçın*, *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı*, and *Dogan and others* were argued by the lawyers of CEM. As explained in Chapter 4 and also seen in above section 5.5, CEM promotes Alevism as an Islamic Sufi tradition as well as an alternative to Sunni

⁶⁸¹ Ibid para 45.

⁶⁸² Ibid para 5.

⁶⁸³ This point is examined further in the following three cases, which were brought by CEM.

Islam, although they do not carry out proselytizing activities. This perspective as adopted by CEM is similar to the ECtHR's conception of Alevism.⁶⁸⁴ These three cases were prepared by lawyers affiliated with CEM. Therefore, the arguments in these cases also reflect CEM's views on Alevism. As discussed in Chapter 4, the advocacy developed by CEM positions Alevis within Islam. This positioning becomes more apparent at the ECtHR, as I now turn to discuss to discuss on the status of *cemevi*.

5. 7. Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey, on the Status of Cemevi

The second case that was brought by CEM touches on the status of *cemevi* as a place of worship. As discussed in Chapter 4, the electricity expenses of places of worship are to be covered from the Diyanet's budget according to the decision of the Council of Ministers.⁶⁸⁵ Since *cemevi* is not a recognized place of worship under Turkish law, it does not benefit from this subsidy provided by Diyanet. CEM complained that, although electricity bills of places of worship were paid by Diyanet, Yenibosna Cemevi was deprived of this privilege on account of the failure of the Turkish administration to recognise *cemevi* as places of worship. At national level, the First Instance Court rejected this request. It relied upon the opinion of Diyanet, which indicated that the Alevi faith is an esoteric interpretation and understanding of Islam and not a religion or belief on its own and thereby the decision of the council of ministers could not extend to *cemevi*, as it targeted places of worship such as mosque, synagogue, and church. Using parallel reasoning, the Appeal Court upheld the First Instance Court's decision.

In its application to the ECtHR, CEM argued that *cemevi*, like other places of worship, is a place of worship for Alevis and should benefit from the same privileges. CEM also argued that the Diyanet is not in a position to deny the status of place of worship to *cemevi* and for the national court to rely on the opinion of the Diyanet is in breach of Article 9. In response, the Government argued that the complaint of the *cemevi* in question should be compared to the

⁶⁸⁴ See *Hasan and Eylem Zengin v. Turkey* App no: 1448/04 (ECtHR, 9 October 2007) para 8-9.

⁶⁸⁵ Bakanlar Kurulu, Decision no. 2002/4100 (23.05.2002).

status of other foundations in similar status and not to the status of places of worship.⁶⁸⁶ In its judgment, the ECtHR held that there has been a violation of Article 14 in conjunction with Article 9, due to the discriminatory treatment given to the Yenibosna Cemevi, administered by CEM.⁶⁸⁷

In evaluating the merits of the case, the ECtHR first observed that the complaint in question stemmed from the local courts' denial of *cemevi* as a place of worship. For the court, the fact that the Alevi worship of *cem* ritual and funeral arrangements that are handled in *cemevi* attested to the exercise of rights, protected by Article 9.⁶⁸⁸ Therefore the Court found that *cemevi*, similar to other places of worship, are places where worship of a religious belief ("une conviction religieuse") is conducted.⁶⁸⁹ It further stated that the right to freedom of belief does not *require* member states to grant specific status for places of worship or to provide tax exemptions. However, as such arrangements are present in the Turkish system, they should be applicable on a non-discriminatory basis, for "the duty of impartiality and neutrality requires member states to avoid judging the legitimacy of religious convictions."⁶⁹⁰ Therefore, according to the ECtHR, the *cemevi* in question was in a situation comparable to other places of worship. The Court also underlined that freedom of religion does not imply that religious groups must be granted a specific legal status different from that of other existing bodies; if, however, such status has been set up, it must be granted in a non-discriminatory manner.⁶⁹¹

In examining the justification for this difference in treatment, the ECtHR underlined that the domestic court relied on Diyanet's view on Alevism as a Sufi interpretation of Islam (not a religion on its own) and as such cannot have its own place of worship, different from mosque and consequently was not eligible for the status of worship. According to the ECtHR, such an assessment could not be used to justify the exclusion of the *cemevi* from the benefit in question, since they were, like other recognised places of worship, premises intended for the practice of religious rituals. As the *cemevi* in question

⁶⁸⁶ *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* App no. 32093/10 (ECtHR, 2 December 2014) para 43.

⁶⁸⁷ *Ibid.*

⁶⁸⁸ *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* App no. 32093/10 (ECtHR, 2 December 2014) para 44.

⁶⁸⁹ *Ibid.*

⁶⁹⁰ *Ibid* para 49.

⁶⁹¹ *Ibid* para 45.

did not benefit from certain benefits linked to the status of place of worship, the Court found unjustified difference in treatment on the ground of religion. In view thereof, in the absence of objective and reasonable justification for the difference in treatment, the ECtHR unanimously ruled that Article 14 taken together with Article 9 was violated, while it saw no reason to analyse Article 9 separately, with one dissenting opinion on the ground that the complaint in relation to Article 9 was sufficiently addressed in the Court's assessment of Article 14 in conjunction with Article 9.

The complaint alleging a violation of Article 9 was based on the fact that the local court relied on Diyanet to rule on the status of *cemevi*. Accordingly, CEM argued that the Diyanet, a state institution, could not be entitled to rule on the status of *cemevi*, for the protection of exercising their right to freedom of belief, as protected by Article 9. In his dissenting opinion, Judge Sajo argued for the necessity of an in-depth analysis of Article 9. He first noted that the majority of Alevis consider *cemevi* as their places of worship, while they do not deny that they remain within the fold of Islam.⁶⁹² In the absence of a legal procedure for obtaining the status of worship in Turkish law, Judge Sajo underlined that the Diyanet as a state institution providing an opinion on the religiousness of Alevism contradicts the Turkish state's duty of neutrality and impartiality. The Judge emphasized that the duty of neutrality prevents the States from deciding the religious nature of Alevism because such an assessment has direct impact on exercising rights secured by Article 9. In this connection, he pointed to the Law no. 677 depriving Alevis of de jure recognition of their place of worship and thereby restricting their freedom of worship. Indeed, in the following judgment of the Grand Chamber on *İzzettin Doğan and Others v. Turkey*, the Court analysed the Alevi claimants' complaint in a manner that is similar to the dissenting opinion of Judge Sajo with respect to the impact of Law no. 677 on Alevis' exercise of rights protected by Article 9.⁶⁹³

Referring back to Chapter 4, I argued that Law no. 677 misconstrued Alevism as part of public manifestations of Islam, which goes back to 19th century as explained in Part I and thereby introduced a false division of

⁶⁹² *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey* App no. 32093/10 (ECtHR, 2 December 2014), Dissenting Opinion of Judge Sajo, para 3.

⁶⁹³ *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016).

religious and secular within Alevi traditions. The categorical difference of the Alevi traditions faded away by making them a target of Law no. 677. In the present case on the status of *cemevi*, the Alevi claimants could have pointed out their difference from Islamic traditions. In this vein, they could have followed a different path of argumentation, using Article 8 and 11 of ECHR. Article 8 (right to private life) and Article 11 (right to association) are increasingly used by the ECtHR to provide protection for cultural identity, which is not explicitly covered by ECHR provisions.⁶⁹⁴ For instance, in dealing with the rights of individuals belonging to Roma and Travellers, the Court highlighted that Article 8 implies positive obligations for the State to facilitate the Gypsy way of life, particularly by meeting their specific needs in the relevant regulatory planning framework.⁶⁹⁵ The Court also noted that the freedom of association, guaranteed by Article 11 protects the right of persons belonging to minorities to form associations in order to promote their culture and their minority consciousness.⁶⁹⁶ In *Sidiropoulos and Others v. Greece*, the issue was the refusal of the national authorities to register the claimant association. Therefore, it is similar to the de jure restriction on establishing *cemevi* due to Law no 677, although the law is not endorsed practically. Also, the case of CEM is different from *Sidiropoulos and Others v. Greece*, because the request is for covering the electricity expenses of *cemevi* and not for registration. However, the Alevi claimants could have formulated a claim by combining Article 8 and 11 and argued for having the same privilege that is given to the places of worship (covering electricity expenses) in order to promote and protect their cultural identity. As explained above in this Chapter and Chapter 2, Laborde argues for desegregating religion into the values it holds by using an interpretive approach to religion.⁶⁹⁷ Instead, I argue to desegregate religion into the values it holds to strengthen the claims-making outside of religious freedom. In other words, the Alevi claimants could have argued for having the same treatment with places of worship, without

⁶⁹⁴ European Court of Human Rights, 'Cultural Rights in the Case- law of the European Court of Human Rights' (17 January 2017) 14 (para 32), available at https://www.echr.coe.int/Documents/Research_report_cultural_rights_ENG.pdf (accessed 21 April 2020).

⁶⁹⁵ *Chapman v. the United Kingdom* App no 27238/95 (ECtHR, 18 January 2001) para 93.

⁶⁹⁶ *Sidiropoulos and Others v. Greece* App no 26695/95 (ECtHR, 10 July 1998). ^[1]_{SEP}

⁶⁹⁷ Cécile Laborde, *Liberalism's Religion* (Harvard University Press 2017).

identifying *cemevi* as a place of worship; but as places that are essential for preserving their cultural identity, similar to the necessity of places of worship for the religious identity for its adherents.

Such a formulation of Alevi claims regarding *cemevi* could be more interesting for the ECtHR to develop the Convention in providing protection for cultural identity. However, the claim formulated by CEM before the Court indicated *cemevi* as a place of worship, Alevism as a Sufi interpretation of Islam, which confirms the Court's previous assessment on Alevism in Zengin case. Both the ECtHR and CEM use a particular discourse on Alevism, which allows formulating the difference of Alevis in terms of denominations and creating a rivalry between Alevi Islam and Sunni Islam. Nevertheless, although the decision have not been implemented by the Government, as discussed in Chapter 4, some municipalities felt more confident to facilitate establishing *cemevi*, following the ECtHR's judgment on CEM. However, *cemevi* is continued to be established as cultural houses, rather than places of worship, as discussed in detail in Chapter 4.

5. 8. İzzettin Doğan and Others v. Turkey, on Public Religious Services for Alevis

"I am a citizen of Turkey, who adhere to Alevi Islamic (Alevi-Bektaşî-Mevlevî-Nusayrî) faith. Alevi faith, which accepts, without doubt, the unity of God (Allah), the prophecy of Muhammad, Quran as the word of Allah, is a Sufi (tasavvufî) interpretation and application of Islam that enriches Islam and is based on reason."⁶⁹⁸

This is how İzzettin Doğan, the head of CEM Foundation, an Alevi *dede* and an influential Alevi public figure, introduced himself in his petition to the Prime Ministry, which enumerated his demands for Alevi citizens of Turkey that were reiterated in the ECtHR in the landmark decision of *Dogan and others v Turkey*.⁶⁹⁹ These demands were:

- a. services connected with the practice of the Alevi faith constitute a public service,

⁶⁹⁸ Petition to the Prime Ministry, on 22.06.2005, original in Turkish reads: "Ben Türkiye Cumhuriyeti'nin Alevî (Alevî-Bektaşî-Mevlevî-Nusayrî) İslâm inancını benimsemiş bir vatandaşım. Alevîlik Allah'ın tekliğini, Hz. Muhammed'in peygamberliğini, Kuran'ın Allah emir olduğunu tartışmasız esas alan, öncelikle akla aykırı olmayan, İslâm'ı zenginleştiren İslâm'ın tasavvufî yorum ve uygulamasıdır."

⁶⁹⁹ *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016).

- b. Alevi places of worship (*cemevi*) be granted the status of places of worship,
- c. Alevi religious leaders be recruited as civil servants, and
- d. special provision be made in the budget for the practice of the Alevi faith.

Other than the demand for the recognition of *cemevi* as a place of worship, the demands for public religious services is not shared by other segments of the Alevi movement. Many Alevi organizations such as PSAKD and ABF oppose the state's involvement in Alevis' affairs in the form of public services.⁷⁰⁰ Similarly, my fieldwork suggests that Alevis have a sceptical attitude to the state's involvement in the way they practice their culture. Specifically, they consider the Diyanet an illegitimate institution in a secular state and argue for abolishing it. Moreover, for many Alevis, the Diyanet is the biggest threat for assimilation. Notwithstanding the multiple stances taken by different segments of the Alevi movement, the ECtHR found Turkey in violation of Article 9 and Article 14 in conjunction with Article 9 in its decision of *İzzettin Doğan and others v Turkey*. The decision, however, generated four different dissenting opinions of six judges in the Grand Chamber.

Domestic proceedings

Dogan's initial petition to the Prime Ministry that dated June 2005 requested the above-mentioned demands to correct the service failure of the Diyanet, which adopts an exclusively Sunni approach to Islam and thereby discriminates against the Alevi. The petition therefore construed Alevi faith within Islamic traditions and made a distinction between Sunni Islam and Alevi Islam on sectarian lines. In its response, the Prime Ministry claimed that it was impossible to meet these demands, due to the fact that the public services provided by the Diyanet transcend denominational differences⁷⁰¹ (*mezhepler üstü*) and are for all Muslims and thus everyone has an equal right to benefit from these services. Thus it accepted the claim that Alevi faith is an Islamic tradition and emphasized the common ground with other Islamic traditions, as the focus of Diyanet's services. Further it referred to Law no. 677 for rejecting

⁷⁰⁰ Talha Köse, 'The AKP and the 'Alevi opening': understanding the dynamics of the rapprochement' (2010) *Insight Turkey* 143-164, 149.

⁷⁰¹ In the ECtHR decision, '*mezhepler üstü*' is translated as 'supra-denominational'; but, see Chapter 3, Section 3.8 for how a discussion on Alevis' affiliation with *mezhep*.

cemevi as a place of worship.⁷⁰² As it is discussed, the Law no. 677 of 1925 criminalised the use of *dede* title, also indicated that public servants are not recruited based on their religious views. Accordingly it stated that no budget could be allocated for services that are not stated in the constitution and laws.

Upon the refusal of the Prime Ministry, Dogan, along with 1919 other Alevis, submitted a petition to the administrative court for judicial review.⁷⁰³ The petition narrated that Alevis, as living in rural areas and confined to village communities, used to conduct *cem* rituals in the largest house of the village. It further contended that migration from rural to urban areas necessitated the construction of *cemevi*. Drawing on the analogy with Christianity and its denominational differences, it underlined the duty of secular law to remain neutral against the competing claims of different denominations for holding the only truth. In this connection, it argued that the Diyanet's view on Alevi faith and *cemevi* is based on Sunni view of Islam and therefore biased and partial. It provided two pieces of evidence for this claim: a press release of Diyanet and an interview conducted with its president. The press release indicates Alevi and Bektaşî belief groups as internal aspects of Islam and cultural richness of Turkey (*kültürel zenginlik*).⁷⁰⁴

Furthermore, the press release considers *cemevi* as "a richness that needs to be protected and has a mission and identity that is unique, cultural and mystic."⁷⁰⁵ That is, the press release maintains that the discussion on the status of *cemevi* is linked to the discussion on Alevism as a religion on its own or separate from Islam, due to the fact that the only place of worship in Islam is mosque. Historically speaking, the press release continues, *cemevi* has never been considered as an alternative or equivalent to mosque. In Diyanet's opinion, *cemevi*, which used to be described as 'dergah, tekke, zaviye or niyazevi' in history, are recently attempted to be presented as equals to mosque,

⁷⁰² Law no. 677 (30.12.1925). The law prohibits the bearing of certain religious titles such as sheikh, dedelik [an Alevi religious leader], dervichlik, and so forth, the practices connected with those titles, and the designation of a venue for ceremonies conducted by Sufi orders (*tarikat ayini*). Failure to comply with these prohibitions is punishable by a term of imprisonment and a fine. see Chapter 4, Section 4.2.

⁷⁰³ Ankara 6. İdare Mahkemesi (Administrative Court), E. 2005/1910, K. 2007/1240 (25.09.2005).

⁷⁰⁴ The original passage in Turkish reads: "Kültürel kimliğin önemli bir parçası olan İslam içi bir oluşum ve tarihi süreçte ortaya çıkan zenginlik." Author's translation: "An important aspect of cultural identity, a formation internal to Islam and richness emerged throughout historical process."

⁷⁰⁵ The original phrase in Turkish reads: "özgün, kültürel ve mistik kimliği ve misyonu bulunan ve korunması gereken bir zenginlik."

church and synagogue and this contradicts historical facts. In addition, according to the press release, such an approach carries the risk of being a threat to national unity. In this connection, the press release considers Alevism as internal to Islam, since it has no book other than the Quran and no prophet other than Muhammad.

The second material presented to the Court as evidence for violation of state neutrality is the interview with the president of Diyanet. Upon questions on Alevism, he states that *cemevi* is where Alevi culture is transmitted and as such needs to be protected and yet cannot be an alternative to mosque, which remains as the place of Muslim worship for 1400 years. He analogically sees *cemevi* as similar to *mevlevihane*, where Mevlevi culture is transmitted and cannot be considered as a place of worship.

Additionally, claimants referred to the court cases about the legal status of *cemevi*, where Diyanet provided an opinion upon request that *cemevi* could not be considered as a place of worship. The petition also included an interview with Erdogan, the Prime Minister at the time (now, President), about his visit to Germany where a large number of the Alevi diaspora live. In this interview in 2003, Erdogan stated that: "All the Alevis I met say they are Muslims. Muslims' place of worship is mosque. Alevism is not a religion. This separation may cause dividing Turkey [in sectarian lines]. One [mosque] is place of worship, the other [*cemevi*] is cultural houses [...] If you are Muslim, you [should] go to mosque." Drawing on these pieces of evidence, Dogan and the 1919 others argued that Diyanet administration should be charged with a serious failure of service (*ağır hizmet kusuru*), as the Government was in breach of its duty of neutrality and impartiality by denying the distinctive features of the Alevi faith.

The response from the Prime Ministry to the Administrative Court about these issues, first, argued for the inadmissibility of the case since the claimants could not be considered as the sole representatives of all Alevis, who show great variety in their demands. Thus, it played upon the lack of uniformity of Alevis in conceptualization of their tradition and its relation with the state. It further reiterated that Diyanet provides public religious services to all Muslim citizens in line with the principle of *laïcité* and that historically mosque had been the only place of worship for Muslims, as evinced with the

construction of mosques adjacent to tekke and dergah. The Prime Ministry presented its view on the nature of Alevism as a Sufi interpretation and application of Islam that carries elements from Twelve Imams Shiah belief as well as esoteric aspects of Islam. Thus, it went on, Alevism is not a sect (*mezhep*); rather, it is similar to Bektaşilik, Mevlevilik, Yesevilik, Kadirilik, which can be qualified as creed (*itikadi*) or jurisprudence (*fikhi*) based views:

It is a *tariqa* and mystic formation that has been shaped through the historical process. This formation conducted its tradition in dergahs in cities, while in ordinary houses appropriated to their needs in rural areas. Today, Sahkulu Sultan and Karaca Ahmet Sultan are still operating dergahs of Bektaşis; tekkes. Since 14th century, Alevi-Bektaşî communities structured their *tariqa* centered around Erdebil and Hacı Bektaş.

Therefore, the Prime Ministry argued that as a *tariqa*, granting place of worship for *cemevi* contradicts with Law no. 677. Supportive of these arguments, the Prime Ministry referred to two court cases: a case about an Alevi *dede* asking for being recruited to Diyanet as an Alevi *dede* where the administrative court⁷⁰⁶ agreed to the negative decision of Diyanet and hence rejected the case. Similarly, regarding a request to replace Islam in identity cards with Alevi faith, the administrative court⁷⁰⁷ ruled that Alevism was not a religion on its own. Additionally, the Prime Ministry underlined that such a development [granting *cemevi* the status of place of worship] as a legal precedent will pave the way for various demands of other *tariqas*, which would further run the risk of the emergence of false Sheikhs cunning the public.

The administrative court dismissed the preliminary objections of the Prime Ministry and examined the application on its merits. The administrative court, departing from previous cases where the judges sought Diyanet's opinions, did not ask for Diyanet's opinion about Alevism; instead, it referred to the ECtHR's decision on *Hasan and Eylem Zengin v. Turkey* and noted that Alevism is considered within the ambit of Article 9 of ECHR.⁷⁰⁸ Yet, the Court noted that the ECtHR did not find that the existence of state church would be enough for the violation of the Convention. Yet, the Administrative Court

⁷⁰⁶ Ankara 4. İdare Mahkemesi (Administrative Court) that rejected the case, E. 2002/157, K. 2002/1149 (23.10.2002).

⁷⁰⁷ İzmir 11. Asliye Hukuk Mahkemesi (Civil Court of First Instance), E. 2004/239, K. 2004/355 (07.09.2004).

⁷⁰⁸ *Hasan and Eylem Zengin v. Turkey* App no: 1448/04 (ECtHR, 9 October 2007).^[17]

rejected the case on 4 July 2007, on the grounds that the refusal by the respondent authorities was in conformity with the legislation in force. The decision of the Administrative Court was confirmed on appeal by the Council of State on that ground that the Administrative Court's decision was in conformity with the rules and regulations.⁷⁰⁹

In domestic proceedings, we see again how the state authorities and courts of Turkey consider Alevism as a corrupted version of Islam. Both the Diyanet's and Erdogan's perspective exemplify how the Islamic figures that are shared by Alevis evince for their belief in Islam. These elements of the culture annex Alevis to Islam; but also emphasise corruption by denying the differences of Alevis from Islam. As discussed in Part I, the Alevi traditions are construed as centred on belief rather than practices. In this way, Alevi traditions were converted to a religious tradition. Alevism is understood as a system of belief. This conversion allowed the place of Islamic figures in Alevi rituals to testify Alevis prominent belief in these figures that link them to Islam.

In articulating their difference, Dogan and others use the Islamic framework as well. As discussed in Chapter 4, CEM, founded and chaired by Izzettin Dogan conceptualise Alevism within Islam and try to position it as an alternative to Sunni Islam. This strategy is one among many. It is certainly different from the kind of Alevism that many fractions of the transnational Alevi movement in Europe promote. As I elaborate on in Chapter 6, the Britain Alevi Federation has been careful to separate Alevism as a distinctive system of belief from Islam. Even in the context of Turkey, referring back to my analysis on the Alevi workshops, these demands as articulated by CEM in Dogan case were not shared by other Alevi organizations. Nonetheless, CEM tries to bring the denominational differences of Christianity into Islam in Turkey as Sunni Islam and Alevi Islam. Therefore, it challenges the authority of the Diyanet providing services only for Sunni citizens. The political and legal system of Turkey presents them two options; either to correct themselves by abiding the Diyanet's services or to remain muted about their difference in the realm of secular. I argue that the agenda put forward by CEM is a manifestation of how Alevis have internalised the Islamic view on Alevis as corrupted Muslims and then try to challenge to this view on their corruption

⁷⁰⁹ Danıştay 10. Daire (Council of State), E. 2008/3098, K. 2010/475 (04.02.2010).

claiming that Alevi Islam is a different kind. In this way, CEM accepts the assumptions on Alevism being a religion within Islam, but on these assumptions produces claims by dividing Islam as the Sunni way and Alevi way.

The Diyanet as the representative of true Islam holds authority over courts in Turkey. As discussed in Chapter 4, the Turkish judges ask the Diyanet's opinion, whenever Alevis make claims about their difference from Islam. Interestingly, in the domestic proceedings of Dogan, the Administrative Court did not ask the opinion of Diyanet, but relied instead on the ECtHR's judgment on Hasan and Eylem Zengin and thereby considered Alevism within the ambit of Article 9 of the Convention. However, in applying the ECtHR judgment in the Turkish context, the Judge considered the status of the Diyanet in relation to the ECtHR's approach to religious establishments. Therefore, the Judge argued that the ECtHR does not consider the establishment of a state church system on its own in violation of the Convention rights. This evaluation, however, runs contrary to the Turkish state's presentation of the Diyanet. The Turkish state never considered the Diyanet as a religious establishment; but as a state institution to provide public religious services. In this regard, it is interesting how the ECtHR judgments are translated in domestic courts and how this 'translation' brings about further complications about how Alevis could be accommodated in the political and legal system of Turkey.

The ECtHR judgment

Upon the decision of the Council of State, Dogan made an application to the ECtHR. The application argued that the dismissal of their requests for public religious service impinged their rights as protected in Article 9 as well as Article 14 and that Turkey failed to discharge its duty of neutrality and impartiality by providing these services solely for Sunni citizens. The claimants further asserted that by denying the Alevi faith distinct from Sunni Islam, the authorities made an assessment on the substance of their faith that breached the State's duty of neutrality and impartiality. The ECtHR held sixteen votes to one that there has been a violation of Article 14 in conjunction with Article 9; and twelve votes to five that there has been a violation of Article 9. The majority in the Grand Chamber ruled that the refusal of the applicants'

claims amounts to denying the religious nature of the Alevi faith, and therefore constitutes an interference with the applicants' right to freedom of religion as guaranteed by Article 9 (1) of the Convention. In its judgment, the Court tackled three important issues: the overlap between the positive and negative obligations of the State for Article 9, the State's duty of neutrality and impartiality and the relationship between religious groups and the State (religious establishments).

In its reasoning for the violation of Article 9, the ECtHR took a broad approach to state's duties for non-interference with the rights protected under Article 9 and also considered the case in relation to the state's positive obligations inherent in Article 9. The latest guidance note of the ECtHR on Article 9 provides insights about the Court's reasoning in the case of *Dogan*. The Guidance Note underlines that

Interference in the exercise of the rights secured under Article 9 of the Convention may, for instance, take the form of [...] denial by the domestic authorities of a religious community's status as a specific religion, where such denial is liable to cause a series of practical problems and difficulties (*İzzettin Doğan and Others v. Turkey* [GC], Para 95).⁷¹⁰

With these in mind, the ECtHR indeed consider the negative and positive obligations of States together. Similarly, derived from Article 1 of the Convention that States must "secure to everyone within their jurisdiction the rights and freedoms defined in the Convention", the Guidance Note underscores that the rather negative obligation on a State to refrain from interfering in the rights guaranteed by Article 9 may be combined with the *positive obligations* inherent in those rights, since the applicable principles are comparable (*İzzettin Doğan and Others v. Turkey*, 96).⁷¹¹ Accordingly, the Court considered that the refusal of the Alevi claimants' demands amounts to denying the religious nature of the Alevi faith and therefore constituted an interference with the claimants' right to freedom of religion as guaranteed by Article 9 (1) of the Convention.⁷¹² Moreover, Para 95 of the judgment reads: "The assessment made by the domestic authorities of the Alevi faith equates in particular to a refusal to recognise the religious nature of that faith." In this

⁷¹⁰ European Court of Human Rights, 'Guidance Note on Article 9 of the European Convention of Human Rights' (31 December 2019) 16-17 (para 36), available at https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf (accessed 21 April 2020).

⁷¹¹ Ibid 19 (para 48).

⁷¹² *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016) para 115.

connection, the Court noted that the duty of neutrality prevents the State from “arbitrarily ‘impose’ or ‘reclassify’ the religious belonging of individuals or groups against their will.”⁷¹³

As the ECtHR evaluated the case as an issue of interference, it also assessed if the interference could be justified. The Court examined in detail the adverse consequences affecting the Alevi claimants due to the Government’s refusal to recognise the religious nature of their faith. Despite the restrictions imposed by Law no 677, the Government argued that Alevi have been able to exercise their freedom secured by Article 9. The Government further emphasized the margin of appreciation left to member states in organising matters relating to religion. However, the Court ruled that the Turkish authorities overstepped their margin of appreciation in their assessment of the nature of Alevism. Citing the importance of religious diversity as the necessary aspect of democratic societies, the Court did not find a reasonable justification for the interference in question.

Regarding the claims under Article 14 in conjunction with Article 9, the Government argued that the comparison made by the applicants between the Alevi faith and the Sunni branch of Islam was erroneous, and their situation should instead be compared with that of citizens belonging to the Sufi orders (*tarikats*), which fell into the category of mystical groups.⁷¹⁴ It further noted that the Diyanet does not offer specific services for Sufi orders. While noting that Law no. 677 is no longer applicable as evinced from operation of many *cemevi*, the Government also argued that “the constitutional and legislative provisions did not provide for any measures concerning the institutions of the Sufi or mystical tradition such as the Dervish monasteries (*dergah*), or the religious practices and mystical conventions and rules of that tradition, such as the *semah* and *cems*.”⁷¹⁵

However, the Court did not accept the government’s argument that “the comparison made by the applicants in their application between the “Alevi faith” and the “Sunni branch of Islam” was in any event erroneous and it was

⁷¹³ European Court of Human Rights, ‘Guidance Note on Article 9 of the European Convention of Human Rights’ (31 December 2019) 69 (para 206), available at https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf (accessed 21 April 2020); also see *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016) para 100.

⁷¹⁴ Ibid para 166.

⁷¹⁵ Ibid para 151.

inappropriate to assess the RAD's [Diyanet] remit on the basis of that comparison, as the theological branches and Sufi sub-branches did not fall into the same category.”⁷¹⁶ Instead, it compared the situation of the members of the Alevi faith to that of Sunni Muslims, who benefit from the services provided by the Diyanet. In reaching this comparison, the Court stated that

Irrespective of the place occupied by the Alevi faith in Muslim theology, there is no doubt that it is a religious conviction which has deep roots in Turkish society and history (see *Hasan and Eylem Zengin*, cited above, § 66) and that it represents a sizeable community – to which the applicants belong – which performs its religious rites in the *cemevi*. As the Court has already noted (see paragraph 122 above), the Alevis form a religious community which has distinctive characteristics in numerous spheres including theological doctrine, principal religious practices, places of worship and education.⁷¹⁷

In this regard, the Court recognised that, the different treatment between Sunni citizens who benefit from Diyanet's services and the Alevi citizens caused a glaring imbalance that is not justifiable. The Court, therefore, found a violation of Art. 14 ECHR in conjunction with Art. 9 ECHR, for the different treatment of the Alevi citizens had no objective or reasonable justification.

Dissenting Opinions

The judgment of the Grand Chamber included a number of different dissenting opinions, taking different reasoning on the state's negative and positive obligations flowing from Article 9, on the comparison relating to Article 14 and on the relationship between the state and religious establishments. The joint partly dissenting and partly concurring opinions of Judges Villiger, Keller and Kjolbro, argued for no violation of Article 9 and a narrower scope for the violation of Article 14. According to their analysis, “the applicants' complaint is not about the lack of a procedure for recognition of Alevi faith as a religious group or denomination.”⁷¹⁸ In this regard, the case is about the positive obligations of the state; but should not have been analysed as an instance of interference that has to be justified. They argued that the case law the court relied on for its reasoning (for an instance of interference) is not comparable to the present case, as in these cases the lack of a procedure results

⁷¹⁶ Ibid para 146.

⁷¹⁷ Ibid para 169.

⁷¹⁸ Ibid para 4.

in hindrance of rights protected under Article 9.⁷¹⁹ Moreover, according to Judges Villiger, Keller and Kjolbro, “a procedure for obtaining recognition would not in itself have satisfied any of the applicants’ specific requests.”⁷²⁰

The judges also disagreed that there is an interference with the rights protected under Article 9 that has to be justified: The administrative court recognizes the Alevi faith within the ambit of Article 9. There is no significant consequence for the Alevi community, as more than a thousand *cemevi* operate in Turkey. Their operation can be seen as evidence for the Government’s claim that the Law no. 677 is not applicable in practice. Thus there is no ‘significant consequence’ for the Alevi community. Therefore, this dissenting opinion stated that “in our view, Article 9 of the Convention cannot be interpreted as imposing a positive obligation on a State to provide a religious group with religious services, to recognise their places of worship, to employ and pay the salaries of the group’s religious leaders and to allocate funds from the general budget to finance, wholly or in part, the group’s activities. Such an interpretation of Article 9 of the Convention would go too far.”⁷²¹

While concurring with the finding of the violation of Article 14 in conjunction with Article 9, they saw no difference with the analysis made for *CEM v Turkey* and thereby argued that the difference in treatment should have been examined “between the Alevi faith and other religions or religious groups with regard to the rights and privileges provided for in the domestic legislation.”⁷²² In their view, by comparing members of the Alevi faith with the Sunni Muslims, as the beneficiaries of Diyanet, “the court is in practice requiring that the [Diyanet] RAD’s service – or some kind of similar privileges – be provided not only to the applicants, as followers of the Alevi faith, but also to persons of other religious beliefs, since they, like the applicants, do not benefit from the religious public service provided by the RAD and are, according to the Court’s assessment, in a comparable situation to that of the

⁷¹⁹ *Metropolitan Church of Bessarabia and Others v. Moldova* App no 45701/99 (ECtHR, 13 December 2001); *Moscow Branch of the Salvation Army v. Russia* App no 72881/01 (ECtHR, 5 October 2006); *Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria* App no 40825/98 (ECtHR, 31 July 2008).

⁷²⁰ *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016) para 10.

⁷²¹ *Ibid* para 14.

⁷²² *Ibid* para 20.

beneficiaries of that service (see paragraphs 183 and 184 of the judgment). In doing this, the Court is, in our view, going too far.”⁷²³

Indeed, the concurring opinion suggested that “the core legal problem” which was not tackled properly was the status of Diyanet and “whether it can be regarded as compatible with the Convention for one religion, in this case the Sunni interpretation of Islam, to occupy a privileged position within Turkey for historical and cultural reasons.”⁷²⁴ Therefore, it considered the case with respect to the relation between law and religion that the court did not address in its decision: “In our view, the crux of the matter is indisputably the fact that the Sunni interpretation of Islam, as practised by the majority of the population in Turkey, is granted preferential treatment, while other religions are not granted similar treatment”. Thus, according to the concurring opinion, the Turkish government could have reasonably justified the necessity of this difference in treatment, if only it accepted “the privileged position of the Sunni interpretation of Islam as supported by the RAD (Diyanet) and its de facto status as a “State religion” in Turkey”.⁷²⁵ In his concurring opinion, Judge Spano also subscribed to a narrower analysis of Article 14 in conjunction with Article 9. He presented no further analysis.

The other dissenting opinion by Judge Silvis argued “there is no obligation under the Convention for the State to seek an active supporting role in matters of religion.” Therefore, he found no violation of Article 9. Similarly but in a stronger tone, the dissenting opinion by Judge Vehabovic criticised the Court for not leaving enough margin of appreciation for the Turkish government and overriding its position for deciding on what counts as religion. Judge Vehabovic claimed that:

In today’s world there are many deviant forms of religious practice and belief which should never obtain legitimacy and, by means of such recognition, the possibility to spread these deviant ideas and ideologies. Of course this case is in no way connected with these ideas, but the issue is relevant in terms of the wide margin of appreciation afforded to the States in this area and the possibility of creating a precedent for the future. The legislature must have broad discretion in deciding what should be regarded as a sufficient public benefit to justify including other religious groups and religious movements in the system of public services. [...] Seeking to define religion and to distinguish a religion

⁷²³ Ibid para 22.

⁷²⁴ Ibid para 23.

⁷²⁵ Ibid para 24.

from a sect is a very dangerous undertaking. Is Alevism a religion in its own right or is it merely a sect within Islam? The Western concept of religion is completely different from the Eastern understanding. According to its settled case-law, the Court leaves to Contracting States a certain margin of appreciation in deciding whether and to what extent any interference is necessary.

My analysis

In light of the judgment and dissenting opinions above, two issues arise from the Grand Chamber's evaluation of the Dogan case that might have changed the course of the judgment. Indeed as implied by the dissenting opinions above, the Court examined the case as a matter of lack of recognition of the Alevi faith. Yet, this was not the focus of the Alevi claimant's complaint. Instead, the Alevi claimants requested specific privileges to practice their religion. Therefore, the refusal of their requests should have been analysed in terms of the state's positive obligations flowing from Article 9. In this vein, Ferri argues that Dogan case is a missed opportunity for the ECtHR to elaborate on the positive obligations of the state in relation to Article 9.⁷²⁶ He is of the opinion that the positive obligations relating to Article 9 is less developed than other provisions of ECHR and suggests to develop it for "European States where, following the increase of the number of religious groups which differ from those traditionally present, the implementation of freedom of religion poses new and problematic challenges."⁷²⁷ Unlike Ferri, I do not think that the accommodation of different 'religious' groups like the Alevis could be achieved by extending the scope of the state's positive obligations deriving from Article 9. Similar to the dissenting opinions above, I think such a view for positive obligations on states to actively promote public services for religious groups is going too far from the scope of protection guaranteed under Article 9.

Legal construction of Alevism

What is interesting about the Court's analysis is that with respect to a violation of Article 9, the Alevi claimants argued that Alevi faith is a Sufi interpretation of Islam.⁷²⁸ They maintained that this refusal by the State

⁷²⁶ Marcella Ferri, 'The Dogan et al. v. Turkey: A Missed Opportunity to Recognise Positive Obligations as Regards the Freedom of Religion' (2017) 2 (1) European Papers 311-319.

⁷²⁷ Ibid 319.

⁷²⁸ *İzzettin Doğan and Others v. Turkey* App no 62649/10 (ECtHR, 26 April 2016) para 71.

authorities implied an assessment of their faith on the part of the national authorities, in breach of the State's duty of neutrality and impartiality with regard to religious beliefs. The Government also recognised the claimants' consideration of Alevism as a Sufi interpretation of Islam.⁷²⁹ However, in its analysis for Article 9 with respect to the state's negative obligations, the Court noted that the authorities' interpretation of Alevi faith as a Sufi order was wrong: Para 92 reads:

According to the national authorities, the Alevi faith, which is to be likened to a "Sufi order", is simply a Sufi interpretation and practice of Islam. In practice, as the applicants correctly observed, this assessment amounts, in particular, to denying that Alevi religious practices – namely the *cem* ceremony – constitute a form of religious worship and to depriving Alevi meeting places (*cemevi*) and religious leaders (*dede*) of legal protection.

Both the Alevi claimants, the Government and the Court considered the Alevi faith as a Sufi interpretation of Islam. In this regard, the problem does not seem to be about the Government's imposition of its own definition of Alevi faith on Alevis, as the Court argued in its reasoning for violation of Article 9. But, on this assumption that all parties agreed (Alevism as a Sufi order), the claimants argue that they have to benefit from religious services of the Diyanet, *cem* is their worship and *cemevi* is their place of worship, while the Government argued that the Sufi orders also use mosque as a place of worship and not places other than mosques.⁷³⁰ The Government also argued that the Diyanet does not provide specific services for Sufi orders. In this connection, although the Court noted that:

The case concerns a sensitive debate which is a source of controversy in the sphere of Muslim theology and on which it is not for the Court to express an opinion (see *Mansur Yalçın and Others*, cited above, § 70). Hence, in referring, for the purposes of its reasoning, to the Alevi faith and the community founded on that faith, the Court does not attach any particular significance to those terms beyond the finding that Article 9 is applicable to them.⁷³¹

The Court, nonetheless, found itself in making claims on controversial issues, that is, whether *cem* is a type of worship and *cemevi* is a place of worship. As discussed in Chapter 3, the Christian triad of true worship, false worship, and

⁷²⁹ Ibid para 79.

⁷³⁰ Ibid para 80.

⁷³¹ Ibid para 69.

the secular were transformed by the secular law into a triad of truly religious, potentially religious and the secular, where the potentially religious is hidden in the binary opposition of religious and secular. Referring to Balagangadhara, I noted that the reason for this triad is the secular law's assumption that religion is a matter of truth, which implies falsity. In this triad, the potentially religious is where the cultures that do not have an epistemic approach to tradition and do not consider cultures as candidates for truth find themselves. Yet, to enter in the realm of truly religious, these cultures have to be formulated as truth candidates competing against each other. The Government's arguments demonstrate how the Islamic triad does not allow *cemevi* to be considered as a place of worship, but mosque is to be the only place of worship. Before the ECtHR, as the Alevi claimants use of Islamic theology to provide themselves a claim for truth, it becomes possible to argue that *cemevi* is a place of worship, with the generic of Islamic theology. Accepting this claim; but refusing to locate this claim in Islamic theology, the ECtHR twists the theological discussion over what worship is and where it should be conducted in Islam. Nevertheless, the ECtHR cannot hold its promise of evading theological discussions and keeping its neutrality.

The ECtHR framework on religious establishments and the relationship between the state and religion for analysing the Diyanet's services

Under the ECHR, there is no provision that specifies how to regulate relationships with religions and the state. Therefore, when a claimant argues for an inappropriate relationship, the Court examines several provisions to determine if a particular form of relationship between a religion and state is permissible.⁷³² The Guidance Note of the ECHR on Article 9 informs about the three categories for organizing the state-religious establishments: "a) existence of a State Church; b) complete separation between the State and all religious organisations; and c) concordat-type relations (the latter is the predominant

⁷³² Carolyn Evans and Christopher A. Thomas, 'Church-State Relations in the European Court of Human Rights' (2006) *BYU L. Rev.* 699, 700.

model in European countries).”⁷³³ In *Darby v. Sweden*, the European Commission held that religious establishment in itself did not constitute a breach of the Convention and was prohibited only if it implicated a right of the Convention:

A State Church system cannot in itself be considered to violate Article 9 of the Convention. In fact, such a system exists in several Contracting States and existed there already when the Convention was drafted and when they became parties to it. However, a State Church system must, in order to satisfy the requirements of Article 9, include specific safeguards for the individual’s freedom of religion.⁷³⁴

Judge Vehabovic pointed to an important aspect of the case. Indeed, the court put itself into a position to define religion by comparing members of the Alevi faith with Sunni Muslims. However, in the Court’s reasoning, would it be a ‘better’ judgment if the Court had dealt with the case in terms of the relation between the Turkish State and the Diyanet? Could the Turkish state have been able to defend the different treatment between Sunni Muslims and other religious groups, if it had accepted that the public services are only for Sunni Muslims because the majority belongs to this group? But, that would have meant, from the perspective of the Turkish state, there are “non-Sunni” Muslims in the country, which contradicts the Turkish nation-building project. This project situates Alevis as the heirs of pre-Islamic Turkish culture, as discussed in Chapter 3. Nonetheless, the Turkish state does not have to use the language that used in the ECtHR that refers Alevis “non-Sunni.” Instead, it could have argued that the public services are only given for the majority understanding and practice of Islam, without labelling it ‘Sunni’, ‘Alevi’, ‘non-Sunni’. Such a move would require Turkish government to define Diyanet more explicitly. This would carry the potential of multiple divisions within Islam in Turkey, mainly Alevi Islam and Sunni Islam. Here, we see how secular law by configuring claims to the religious realm as competing truth claims can provide solutions for co-existence only by first creating conflict and then presenting religious freedom as the framework for pluralism.

⁷³³ European Court of Human Rights, ‘Guidance Note on Article 9 of the European Convention of Human Rights’ (31 December 2019) 50 (para 141), available at https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf (accessed 21 April 2020); also see for a critic of this view, Russell Sandberg, ‘Church-state Relations in Europe: from Legal Models to An Interdisciplinary Approach’ (2008) 1 (3) *Journal of Religion in Europe* 329-352.

⁷³⁴ *Darby v. Sweden* App no 11581/85 (ECtHR, 23 October 1990).

How would have the court dealt with the relation between Diyanet and the Turkish state, if it had chosen to do so? It is undisputable that Diyanet has gradually increased its power over the years with an ever-increasing budget size. Comparing with the budget of other ministries, it is reported that in 2013 general budget, Diyanet received more than the budget of the ministry of interior affairs.⁷³⁵ In 2017, it is reported that the number of its personnel is 117,378.⁷³⁶ It is undisputable that Diyanet was also flourished with the rising of AKP and its governance since 2002.⁷³⁷ The members of cabinet and President Erdogan himself often praise members of Diyanet.⁷³⁸ In this connection, although the ECtHR gives wide margin of appreciation to the member states to organize their relations with religious establishments, the power Diyanet holds in Turkish politico-legal system seems to be exceeding limits. However, the ECtHR has a limited jurisdiction. Different from a constitutional court, which would have power to endorse principles such as the separation of state and religious establishments, the ECtHR's jurisdiction extends only to the rights protected by the Convention.⁷³⁹ In this regard, McCrea suggests that theoretically, if sufficiently liberal, "the Convention may even be able to accommodate a rights-friendly theocracy."⁷⁴⁰

To sum up, Turkish government has yet to implement the judgment of *İzzettin Doğan and Others v. Turkey*. If the government refuses to implement it, in the following relevant case, the Government may prefer to argue that the

⁷³⁵ When compared individually, Diyanet's budget is higher than Ministry of Health or Foreign Affairs too. This news reported that Diyanet's budget was more than the total budget of 8 ministries. See Arif Koşar, 'Sekiz Bakanlık bir Diyanet etmedi' *Evrensel* (İstanbul, 6 November 2013), available at <https://www.evrensel.net/haber/71458/8-bakanlik-bir-diyamet-etmedi> (accessed 9 January 2019).

⁷³⁶ 'Bakanlık verileri: Diyanet'in 2017 bütçesinin yüzde 97'si 'eridi'', *Diken* (Ankara, 3 September 2017), available at <http://www.diken.com.tr/bakanlik-verileri-diyamet-in-2017-butcesinin-yuzde-97si-eridi/> (accessed 4 May 2020).

⁷³⁷ Ahmet Erdi Öztürk, 'Turkey's Diyanet under AKP Rule: From Protector to Imposer of State Ideology?' (2016) 16(4) Southeast European and Black Sea Studies 619-635; Ufuk Ulutas, 'Religion and Secularism in Turkey: The Dilemma of the Directorate of Religious Affairs' (2010) 46 (3) Middle Eastern Studies 389-399.

⁷³⁸ The Minister of Defense commented on Erdogan's 'gift' of a Mercedes to the head of Diyanet: "not a car but an air plane should be allocated to the head of Diyanet", see 'Beklendiği gibi: Diyanet İşleri Başkanı Görmez emekli oldu', *Diken*, (Ankara, 31 October 2017), available at <http://www.diken.com.tr/beklendigi-gibi-diyamet-isleri-baskani-gormez-emekli-oldu/> (accessed 18 January 2019).

⁷³⁹ Rex Ahdar and Ian Leigh, 'Is Establishment Consistent with Religious Freedom' (2004) 49 MCGILL LJ 635.

⁷⁴⁰ Ronan McCrea, 'Rights as a Basis for the Religious Neutrality of the State: Lessons from Europe for American Defenders of Non-establishment' (2016) 14 (4) International Journal of Constitutional Law 1009-1033, 1018.

Diyanet specifically provides services for the Islam which is practiced by the majority of its citizens. But such a move would push the government to define the Diyanet more specific and bring even bolder contours of identity in religious terms as Sunni Islam and other forms of Islam. Eventually, it brings a shaper sectarian politics to Turkey. If the Government prefers to implement the decision, it would require re-structuring of the Diyanet again in sectarian lines. As noted by Lord, introducing a denominational structure of the Diyanet has been discussed previously; but the Diyanet clergy opposed to it strictly.⁷⁴¹ A possible re-structuring of the Diyanet to provide services for Alevis similarly would stir up a heated discussion on sectarian lines. If it is implemented, it would structure the differences between Alevis and non-Alevis into a rivalry between Alevi Islam and Sunni Islam. In any event, the ECtHR judgment of *İzzettin Doğan and Others v. Turkey* carry the risk of introducing even deeper sectarian tensions to Turkey.

5. 9. Conclusion

Since the 2000s, with the amendments in the Turkish Constitution, as part of the EU harmonisation framework, Alevis have sought solutions to the deadlock over their different recognition demands in Turkey by bringing cases to the ECtHR. In this Chapter, I examined the adjudications of the ECtHR on five individual applications that have been brought against Turkey by different segments of the Alevi movement. The first two cases were brought with the support of PSAKD, while the following three were brought by CEM. As mentioned in Chapter 4, CEM promotes Alevism as an Islamic Sufi tradition. CEM's conceptualization of Alevism is favoured by the Turkish government, as opposed to PSKAD, which resists considering Alevism in relation to Islam and advocates Alevism as a way of life or a belief system on its own merits, independent of the Islamic framework. The first two cases that were about compulsory religious education and the inclusion of religion on national identity cards, while the last three were about compulsory religious education, the status of *cemevi* and the functions of Diyanet that are brought

⁷⁴¹ See Chapter 4, also Ceren Lord, 'Between Islam and the Nation; Nation-building, the Ulama and Alevi Identity in Turkey' (2017) 23(1) Nations and Nationalism 48-67.

by CEM. Given the differences between these two segments of the Alevi movement, advocacy at the ECtHR shifted towards religious claims such as the place of worship and status of religious establishments.

The Alevi activism at the ECtHR was successful in all the five cases analysed above. The cases on compulsory education and place of religion in identity cards are not specific to Alevis' concerns, where the Court found the compulsory religious education in Turkey violates the Article 2 of Additional Protocol No. I of ECHR. Similarly, in the case of *Sinan Işık v. Turkey* where the Court dealt with the incompatibility of the religion section in Turkish identity cards with the Article 9. However, the last two cases on the status of *cemevi* and public religious services for Alevis were specific to the accommodation of Alevis' difference. While all these cases brought to the ECtHR by the Alevi movement were ruled against Turkey, the ECtHR judgments did not result in fundamental changes to meet Alevis' recognition demands, as discussed at length in Chapter 4.

Although the ECtHR framework seems to recognise Alevis' difference, I argue that this recognition comes with a burden and a transformation. The case of *Hasan and Eylem Zengin* is important in the sense that it was the first case where the ECtHR conceptualised Alevism as a non-Sunni Islamic tradition.⁷⁴² In this case, the ECtHR's conceptualisation of Alevism was different from how the Alevi claimants presented Alevism. While Alevi claimants framed Alevism as a 'supra-religious' phenomenon, the ECtHR considered it as a non-Sunni Islam. In subsequent cases the Court preserved this conceptualisation with reference to the Zengin case, not only identifying Alevis as a non-Sunni Muslim community but also Alevism as a specific manifestation of Islam that dates back to 13th-century Central Asia, similar to how Turkish nation-building conceptualised Alevis' difference through the historical link to ancient Turk's Central Asian roots, which is discussed in Chapter 3. This division between Alevi Islam and Sunni Islam has become more identifiable with the latest judgment of *İzzettin Doğan and Others v. Turkey*, where the Alevi claimants adopted the view that transformed

The ECtHR frames Alevism as "a religious conviction which has deep roots in Turkish society and history and that it has features which are particular to it [...] It is thus distinct from the Sunni understanding of Islam, which is taught in schools. It is certainly neither a "belief" which does not attain a certain level of cogency, seriousness, cohesion and importance." In *Hasan and Eylem Zengin v. Turkey* App no 1448/04 (ECtHR, 9 October 2007) para 66.

Alevism into a Sufi tradition that was different than other Sufi orders and 'hierarchically' equivalent to Sunni Islam. Yet, it would be problematic for the Turkish government to implement the judgment of *İzzettin Doğan and Others v. Turkey*. First of all, it is not evident that this specific demand by CEM is shared by other segments of the Alevi movement. My fieldwork observations suggest that the majority of Alevis do not ask for services to be provided by the Diyanet. In another scenario, if a similar case is brought before the ECtHR in the future, the Turkish government could present a different claim, one which argues that the Diyanet provides services exclusively for Islam as practiced by the majority of its citizens. Considering its case law on religious establishments, the ECtHR might find this defence within the margin of appreciation.⁷⁴³ Therefore, it is unlikely that the ECtHR would provide genuine alternatives to accommodate Alevis' difference in Turkey; but it contributes to a framework that recast Alevis' difference in religious terms. As we have seen in the gradual change of Alevi claims making, it might be suggested that Alevis further advance the available structures to gain recognition.

When compared to the Turkish state's and the Diyanet's assimilationist approach, Alevis' advocacy at the ECtHR seems more appealing for the ECtHR framework provides Alevis with some autonomy to exist with their difference. While Alevis' difference stands as a matter of inner-Islamic cultural richness from the view point of the Turkish authorities, the ECtHR construes Alevis' difference as a matter of denomination that continues to overlook and simplify it, disregarding the political and historical dynamics. However, by converting the Alevis' difference into non-Sunni Muslim, the ECtHR reinforces the positioning of Alevis in opposition to non-Alevis in religious terms. Although the Court highlighted its aim to avoid entering in a theological debate, the Court eventually entered in a theological when examining whether cemevi is a place of worship, provided that the Court referred to the Zengin case and positioned Alevis as non-Sunni Muslims. Similarly, on public religious services, the Court considered Alevis as the beneficiaries of the Diyanet just like Sunnis, as put forward by the Alevi claimants as well. Going back to Chapter 3 on how the Christian theological

⁷⁴³ Howard C. Yourow, *The Margin of Appreciation Doctrine in the Dynamics of European Human Rights Jurisprudence* (Vol. 28 Martinus Nijhoff Publishers 1996) 195.

ideas evolved into the *topoi* in Europe and enabled the formulation of the religious toleration and secular state, it might be possible that the ECtHR relies on the meta-language of Christianity in its conceptualisation of Alevism as a denomination of Islam, equivalent to the Sunni branch. However, by converting the Alevis' difference into non-Sunni Muslim, the ECtHR reinforces the positioning of Alevis in opposition to non-Alevis in religious terms. This has important consequences for the accommodation of Alevis' difference in Turkey and its translation into the Turkish context might risk a sectarian tension.

CHAPTER 6 -- ACCOMMODATION OF ALEVIS' DIFFERENCE IN THE UNITED KINGDOM

6. 1. Introduction

Discussions about the recognition of Alevis in Turkey imply Alevism as a false form of Islam, while the ECtHR frames Alevism as a non-Sunni Islamic sect. The repercussion of the ECtHR framing is its support the claim of Alevism as a Sufi tradition that has the right to public religious services by the state and thus feed the debates in Turkey about the role of Diyanet in relation to Alevis. Both the Turkish state and the ECtHR foster the transformation of the Alevi culture in the shape of Alevism as a religion or system of belief. Unlike Turkey and the ECtHR where Alevism has been analysed as an Islamic tradition, the politico-legal context in the UK has allowed Alevis to divorce Alevism from Islam and to be recognized as a distinct faith community. Unlike Turkey, laicism is not a constitutional value in the UK. As an established Church of England, the Anglican Church still has its privileges and has been established in England since the 16th century.⁷⁴⁴ Although the privileged status of the Church of England remains to this date, the scope of toleration was widened since the Glorious Revolution that brought about two important constitutional documents: the Bill of Rights and the Toleration Act of 1689.⁷⁴⁵ Toleration Act, as analysed in Part I, granted religious tolerance on the theological claim that every soul reaches salvation through the work of Holy Spirit, which is not known and therefore ought to be tolerated.

Following World War II and decolonisation, the UK has received even greater numbers of immigrants primarily from commonwealth countries and therefore faced greater religious and cultural diversity to accommodate. According to Grillo, multiculturalism has been a consistent public policy in the

⁷⁴⁴ Russell Sandberg, *Law and Religion* (Cambridge University Press 2011).

⁷⁴⁵ John Witte Jr, 'Prophets, Priests, and Kings: John Milton and the Reformation of Rights and Liberties in England' (2007) 57 Emory LJ 1527, 1535.

UK since 1960s in terms of promoting acculturation through integration and addressing inequalities in fields of housing, employment and education.⁷⁴⁶ Despite changing language and implementation, which will be discussed below, a multicultural framework shapes British politico-legal system.

Although Alevis' migration to the UK dates back to the 1970s, Alevis were rather culturally and religiously invisible until recently. Their recognition demands were formulated only after 2010, together with the acceleration of the Alevi movement's advocacy in London, supported by the transnational Alevi movement in Europe.⁷⁴⁷ Indeed, the fruits of this activism for recognition have been delivered only during last few years. Therefore, my fieldwork in London captured different aspects of this journey to the official recognition of Alevism at different levels. In this chapter, I first examine in what ways and how Alevism has been recognized through its inclusion in religious education curriculum and through the decision of Charity Commission. In this regard, my analysis of recognition of Alevism and accommodation of Alevis' difference in the UK is situated within the larger discussions about multiculturalism.

This chapter is divided into five sections. First, I provide a brief background of Alevis and the Alevi movement in the UK and describe my fieldwork in London. I discuss the feeling of discomfort among Alevis about describing Alevism and thus self-expression. I argue that addressing the problem of self-expression is singled out as the most urgent task by the Alevi movement in London. Second, I elaborate on activities organized and promoted by the Alevi movement to address the framing of Alevism as a religion and Alevis as a faith community. Third, I analyse the project for including Alevism in religious education curriculum. This project has been an initiative of the Alevi movement, together with the University of Westminster, Prince of Wales Primary School and Highbury Grove Secondary School. The preparation and implementation of this project is discussed within the larger framework of multicultural religious education. The fourth section looks at another area of recognition, granting the Britain Alevi Federation the charity status for the

⁷⁴⁶ Ralph Grillo, 'British and Others: From 'Race' to 'Faith'' in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 50-71, 52.

⁷⁴⁷ As discussed in Chapter 3.

advancement of religion, which is Alevism. Here also to frame it in larger context, I provide a background of the Charities Act 2011 and discuss the adjudication of the Charity Commission on matters of religion. I argue that the definition of religion within Charity Commission's adjudication relies on the meta-language of Christianity that transforms cultures into rival truth claims. However the secularisation dynamic of universalization of religion enables the content of religion to become increasingly loose. I argue this claim through the Britain Alevi Federation's application to the Commission, which took more than two years but eventually succeeded in its claim of presenting Alevism as a religion for the purposes of Charities Act 2011. The last section addresses another dimension of the emergence of Alevis as a faith community in the UK: political influence on Turkey. In this respect, the establishment of the All Party Parliamentary Group for Alevis and Home Office Country Policy and Information Reports on the situation of Alevis in Turkey, which examines possible asylum claims, are analysed.

6. 2. British Multiculturalism

Vertovec notes that since its implementation in 1970s, multicultural policies have been criticised.⁷⁴⁸ However the critics became louder since 2000 on the ground that multicultural policies exacerbated communal separation and thus brought about ghettoization.⁷⁴⁹ Further, the multicultural policies were accused of essentialism and criticised for treating cultures as static, bounded entities. While conservatives denigrated multicultural policies for undermining national unity, social-democrats argued that multicultural policies failed to address the inequalities that minorities suffer, instead led to their social isolation.⁷⁵⁰ In 2000, the report by the Commission of the future of multi-ethnic Britain, also known as Parekh report, was published.⁷⁵¹ The report underlined

⁷⁴⁸ Steven Vertovec and Susanne Wessendorf (eds) 'Introduction: Assessing the Backlash Against Multiculturalism in Europe' in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 1-31.

⁷⁴⁹ Ibid; Will Kymlicka, 'Rise and Fall of Multiculturalism?' in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 32-49.

⁷⁵⁰ Ralph Grillo, 'British and Others: From 'Race' to 'Faith'' in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash*. (Routledge 2010) 50-71.

⁷⁵¹ Bhikhu C Parekh, *The Future of Multi-ethnic Britain: Report of the Commission on the Future of Multi-ethnic Britain* (Profile Books 2000).

the continuous problems faced by minorities and thus pointed to the need for policy change. Following 2001 riots in northern cities of England, the Cattle report observed that “many communities operate on the basis of a sense of parallel lives.”⁷⁵² July 2005 London bombings further brought about debates on the efficiency of multicultural policies, particularly in relation to Muslims’ integration.⁷⁵³ The chairman of commission for racial equality at the time, was of the view that Britain was “sleepwalking to segregation.”⁷⁵⁴

A re-orientation of policy can be traced through the shift in language: emphasis was put on ‘social cohesion’, ‘diversity’ and ‘shared values’.⁷⁵⁵ The UK Commission on Integration and Cohesion, founded in 2007, explicitly acknowledged the need to reform the language: “We need to update our language to meet the current climate. We therefore intend to avoid using the term ‘multicultural’ in our report because of its ‘catch all’ and confusing quality.”⁷⁵⁶ For instance, the 2005 Home Office report on ‘Improving Opportunities, Strengthening Society’ omitted any reference to multiculturalism, but ‘diversity’ in terms of ‘promoting diversity’ was mentioned 34 times in a 54 page document.⁷⁵⁷ The concept of diversity has been used since late 1990s, as a reaction to the ‘group-ist’ approach that consider cultures as bounded entities, to highlight the individual aspect of cultural difference. Despite this shift in language, many argued that the principles of multiculturalism (recognition of cultural identities and promoting equal opportunities) have shown continuity through incorporating ‘integration’ and ‘diversity’ agendas.

⁷⁵² Ted Cattle, *Community Cohesion* (Home Office 2001) section 2.1.

⁷⁵³ Joly Danièle, ‘Race, Ethnicity and Religion: Emerging Policies in Britain’ (2012) 46 (5) *Patterns of Prejudice* 467-485.

⁷⁵⁴ Dominic Casciani, ‘Analysis: Segregated Britain?’, *BBC News* (London, 22 September 2005), available at http://news.bbc.co.uk/2/hi/uk_news/4270010.stm (accessed 8 August 2019).

⁷⁵⁵ Steven Vertovec and Susanne Wessendorf (eds), ‘Introduction: Assessing the Backlash Against Multiculturalism in Europe’ in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 18; Home Office, *Improving Opportunities, Strengthening Society: The Government's Strategy to Increase Race Equality and Community Cohesion* (Her Majesty's Stationery Office 2005).

⁷⁵⁶ Commission on Integration and Cohesion, *Our Interim Statement* (2007) available at <http://www.integrationandcohesion.org.uk> (accessed on 8 August 2019).

⁷⁵⁷ Steven Vertovec and Susanne Wessendorf (eds), ‘Introduction: Assessing the Backlash Against Multiculturalism in Europe’ in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 1-31.

In his analysis of critiques of multiculturalism, Kymlicka explicates the theoretical ground that underlines these principles.⁷⁵⁸ From theoretical perspective, multiculturalism has been a part of discussions on liberalism and discussed in relation to the liberalism's ideas of equality, toleration and fundamental human rights. Argued against the idea of unitary and homogenous nationhood, multiculturalism is grounded on acknowledging and responding to the diversity within nations. From this point of view, Kymlicka criticizes the critiques of multiculturalism on 3 grounds: (a) mischaracterizes the nature of the experiments in multiculturalism that have been undertaken over the past 40 years, (b) exaggerates the extent to which they have been abandoned and (c) misidentified the genuine difficulties and limitations they have encountered.⁷⁵⁹ Referring to it "the 3S"(saris, samosas, and steel drums) model of multiculturalism, Alibhai-Brown questions the efficiency of this model that cannot go beyond a mere celebration of cultural markers.⁷⁶⁰ Kymlicka argues that this critique caricaturizes multiculturalism and more importantly misses the main point, for multiculturalism is not about celebrating folk practices as embodiments of cultural difference.⁷⁶¹ Kymlicka takes our attention to the post-war period when multicultural policies were argued against the unitary citizenship images of nation states and argues for multiculturalism as a way to develop new models of democratic citizenship that is based on human rights and challenges "the sorts of traditional ethnic and racial hierarchies that have been discredited by the post-war human rights revolution."⁷⁶² Calling it 'multiculturalism-as-citizenisation', he underlines that multiculturalism aims at transforming existing structures that undermine equal opportunities for different segments of society.

While Kymlicka's conceptualization of multiculturalism as citizenisation sounds good in theory, the policy applications produce problems. Scholars note the increasing importance given to the faith communities in

⁷⁵⁸ Will Kymlicka, 'Rise and Fall of Multiculturalism?' in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 32-49.

⁷⁵⁹ Ibid 33.

⁷⁶⁰ Yasmin Alibhai-Brown, *After Multiculturalism* (Foreign Policy Centre 2000).

⁷⁶¹ Will Kymlicka, 'Rise and Fall of Multiculturalism?' in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 32-49.

⁷⁶² Ibid 39.

implementing policies for governing diversity.⁷⁶³ Joly argues that multiculturalism in Britain metamorphosed into a Muslim paradigm through increasing funding allocated by local authorities for faith communities. He suggests that the structure of British society, particularly the church-state relations and existence of an established church “created a window of opportunity for Muslims to press their claims for sensitivity to be shown to their religion.”⁷⁶⁴ Similarly Peach argues that British discourse on racialized minorities has mutated from colour to race to ethnicity and religion. In his analysis of *R (on the application of Watkins-Singh) v Governing Body of Aberdare Girls' High School*, a case concerning 14-year old school girl Sarika’s wearing of Kara, Shah discusses how Kara was transformed into a Sikh ‘religious’ symbol and Sikh traditions into a religion, which then allowed for the English court to rule on whether Kara was of ‘exceptional importance’ to Sarika.⁷⁶⁵ The British multiculturalism creates space for this form of identification in terms of religion and compels communities to formulate their claims as such.

It is this form of identification that is more relevant to my research on Alevis in the UK. While acknowledging the significance of multiculturalism as a response to unitary forms of nationhood and its citizenship imaginary, my critique will be on the kind of identities that multiculturalism promotes/ breeds. Despite the policy implementations of British multiculturalism have changed, as evident in language use, the concept of identity is an intrinsic aspect of policies governing diversity (be it multicultural or social cohesion and integration). The current emphasis on religion (faith communities), while trying to respond to the dynamics in British society, especially in the aftermath of 2005 and in case of Muslim’s integration, influence on how minorities conceptualise their claims for recognition. Because there is no other space to

⁷⁶³ Ralph Grillo, ‘British and Others: From ‘Race’ to ‘Faith’ in Steven Vertovec and Susanne Wessendorf (eds), *The Multiculturalism Backlash* (Routledge 2010) 50-71; Joly Danièle, ‘Race, ethnicity and religion: emerging policies in Britain’ (2012) 46(5) *Patterns of Prejudice* 467-485; Dhooлека Sarhadi Raj, ‘Who the Hell Do You Think You Are?’ Promoting Religious Identity among Young Hindus in Britain’ (2002) 23(3) *Ethnic and Racial Studies* 535-558; Ceri Peach, ‘Muslims in the UK’ in Tahir Abbas (ed) *Muslim Britain: Communities Under Pressure* (Zed Books 2005); Prakash Shah, ‘Secularism’s Threat to Tradition: A Reading of Europe, India and the Limits of Secularism’ (2019) *Sikh Formations* 1-8.

⁷⁶⁴ Joly Danièle, ‘Race, Ethnicity and Religion: Emerging Policies in Britain’ (2012) 46(5) *Patterns of Prejudice* 467-485, 479.

⁷⁶⁵ Prakash Shah, ‘Secularism’s Threat to Tradition: A Reading of Europe, India and the Limits of Secularism’ (2019) *Sikh Formations* 1-8.

efficiently seek recognition of difference than that of religion, Alevis too, like Sikhs in the above mentioned case, might prefer reformulating their difference in religious terms. This kind of reformation allows Alevis to access to rights and privileges as a group identity.

The greatest concern occupying the Alevi movement in Britain is to make Alevism known both to Alevis themselves and to the multicultural society that they settled in and became part of. This concern has been generated by different dynamics, which include the influence of transnational Alevi movement that gains recognition in different diaspora countries and multicultural policies promoted by the UK, where religion is an important identity marker. However even more importantly, this concern is the result of questioning one's identity, since identity acquires importance with the rise of multiculturalism and religion appears the most viable one to rely on. The Alevi movement argues that this concern is the result of a continuous persecution that Alevis faced in Turkey. This narrative points to the oppressive environment of Turkey that forced Alevis to hide away their identity and gradually they forgot it and thus now want to regain it.⁷⁶⁶ This claim however does not explain almost 50 years being in the UK in which Alevis did not feel the need to define Alevism.⁷⁶⁷ Additionally, the persecution they have faced is also the result of their difference being conceptualized as religious difference.

6. 3. The Alevi Movement in the UK

The first Alevi community centre in the UK, *the Alevi Cultural Centre and Cemevi*, was established in 1993 in Dalston, London.⁷⁶⁸ Although there is still one *cemevi* in London, the number of *cemevi* in the United Kingdom recently increased from twelve in 2015, to seventeen in 2018.⁷⁶⁹ These *cemevi* are united under the banner of the Britain Alevi Federation,

⁷⁶⁶ My fieldwork findings.

⁷⁶⁷ Moreover, the refugee communities are usually quite aware of their religious identity even in their country of origin before their departure and continue to organize and do activism in the country of settlement right after their arrival. The case of Alevis is different from this kind of community formation.

⁷⁶⁸ My fieldwork findings (February-May 2015, London).

⁷⁶⁹ These are in London, Glasgow, Leicester, Croydon, Harrow, Northamptonshire, York, Newcastle, Liverpool, Bournemouth, Nottingham, Doncaster, Hull, Sheffield, Edinburgh, Manchester and Newport. See, The Britain Alevi Federation, 'About us', available at http://www.alevinet.org/SAP.aspx?pid=About_en-GB (accessed 8 August 2019).

which was founded in 2014. It has 6000 members, 4000 of which reside in London. However, it claims to represent 300,000 Alevis living in the United Kingdom.⁷⁷⁰ The Federation operates as an umbrella organization and is affiliated with the European Alevi Federation. The Federation used to be based in the London *cemevi* and carries out the agenda for the recognition of Alevis as a faith community in the UK. It has been trying to control and influence the organization of Alevis based on its own agenda and thus eliminate alternative establishments such as CEM having a different agenda of Alevism.⁷⁷¹ Therefore, it is an important interlocutor in shaping Alevis' recognition demands. The Federation is actively involved in the project of including Alevism in religious education curriculum in England. Moreover, it is the first Alevi organization that was granted the status of religious charity by the Charity Commission following two years of application process. In parallel, the Federation initiated establishing an All-Party Parliamentary Group for Alevis and promoted *semah* (Alevi ritual dance) demonstrations in public.

I conducted my fieldwork in London in 2015, with follow up visits throughout this thesis.⁷⁷² Since the *cemevi* in London was home to the Federation as well as many other activities, it was the main site of the fieldwork. Describing the *cemevi* is imperative as it helps visualizing the fieldwork. The *cemevi* is located in the first floor of an old building, nearby Ridley Road Market in Dalston, in North London. Although on a single floor, it has a two large halls, where communal gatherings take place, as well as six small rooms, where administrative meetings and various classes are held. Some of these courses are about teaching Alevism, meetings of the Alevi youth, courses for children to help with their school education, *saz* (stringed musical instrument used during Alevi rituals) and *semah* classes. One of the large halls is at the entrance and a cafeteria is installed on the corner, where lunch is also available. This entrance hosts familiar faces of Alevi elderly every day and witnesses their daily chats. Although somewhat similar to a Turkish coffee house, the resemblance would be misleading as the walls are all covered with Alevi cultural representations. This same hall also functions for funeral

⁷⁷⁰ Ibid.

⁷⁷¹ I was told in off record meeting with a member of the Federation that CEM tries to have a UK branch.

⁷⁷² April-July 2016, May-July 2017, August 2018.

gatherings, when the families of deceased serve food and accept condolences. The second hall is where *cem* rituals as well as other large gatherings are held and therefore is used occasionally.

My participant observation is derived from my attendance at different ceremonies, celebrations, administrative meetings as well as group activities carried out by the Alevi Federation and *cemevi*. I also conducted semi-structured and informal interviews with Alevis, religious education teacher and headmaster. Moreover, I observed religious education classes in Highbury Grove Secondary School in London and meetings of the project for including Alevism in religious education. I also attended the Federation's meeting with the Charity Commission, events organized in the Westminster Parliament and the Alevi yearly festivals. My fieldwork also included analysing the written material produced by the Federation as well as their social media activism.

6. 4. Trouble of Framing Alevism in the UK

The analysis of the Alevi traditions (Chapter 3) suggests that religion seems to be not a property of Alevi culture. In parallel, I suggest that the difficulty of understanding the resources of the Alevi traditions and the disjuncture between looking like a religion and not having a religion culminate in a discomfort within the Alevi community in London. As explained in Part I, the ideas of religious freedom and secular state drawn from the Protestant theology of Christian freedom are presented as a solution to a conflict within Christian denominations. These ideas presuppose a conflict among multiple rival claims to the truth. Therefore, it first entails that cultures be candidates for truth and, the ideas of religious freedom and the secular state are then presented as the solution for the accommodation of these rival claims. Especially in the UK where multicultural identity politics guides the policy-making processes, thereby emphasising religion and faith, as discussed above, there seems to be unease about how to fit the Alevi traditions and how to make an Alevism. In this connection, the Federation's advocacy for Alevism should be situated within the framework of multicultural policies. Therefore, through my fieldwork, I first describe Alevis' unease about conceptualizing Alevism. I

then examine how the Alevi culture is accommodated by multicultural policies by focusing on the project of including Alevism in religious education and the Federation's application with the Charity Commission.

According to the participants and based on my fieldwork, the most difficult aspect of being an Alevi is to describe Alevism to themselves and to the outsiders. Some of the participants indeed explicitly said that because of the difficulty of explaining themselves they prefer either not talking about their Alevi identity and define themselves as atheists, while not being sure about the difference between being an Alevi and being an atheist. Some simply call themselves Muslims in official papers. As a response, events organized in the *cemevi* prioritise teaching Alevism to Alevis. For instance, the Federation organised a seminar series to teach Alevism at the *cemevi*, which lasted about two months during February and March 2015. These seminars were not led by a *dede* or an *ocakzade*, who are known for their proficiency of traditional knowledge. They were led by a poet/*asik*, who also serves as *zakir* during *cem* rituals. Although the seminars did not continue due to lack of commitment in attendance, the course content was prepared in chronological order of all the belief systems and religions, which would eventually influence the Alevi traditions such as Brahmanism, Zoroastrianism, Manichaeism and Islam. Therefore, these seminars focused on how to frame Alevism vis-à-vis other religions. Yet, the difficulty of describing Alevism was apparent in the instructor's teaching method. The two most popular questions posed by the students were what Alevism was and when Alevism appeared (question about its roots). The instructor however used to reply that upcoming classes would bring clarity to defining Alevism. Even in these courses to 'teach Alevism', the instructor used to avoid naming whether Alevism is a religion or not through vague sentences such as "Alevism is that which takes the good sides of other beliefs and religions and leaves the bad sides." or "we find Alevism out of all these [Brahmanism, Manichaeism, Zoroastrianism, Hinduism]" or "you need to drink tea in order to understand what tea is" etc. Yet, it is unclear if these answers met the students' expectations, some of whom complained that "it [understanding Alevism] is like a chess game; pieces have never been placed properly" and "we are people of an ill-fated era: we struggle to explain ourselves". According to them, they are confronted by having to explain

Alevism through an implied requirement of having a book and structure, which is the reason for living in an ill-fated era where the chess is not an easy game for cultures without religions. Chess could actually allude to the framework of multiculturalism that consists of diverse religions and some like the Alevi requires strategic moves to navigate on the chessboard and make claims to legitimacy.

These strategic moves reveal how Alevis experimentally adopt the most practical way to formulate Alevism. For instance, rather coincidentally upon the Islamic lobby to gain recognition, Alevis began arguing for Alevism being a religious tradition in Germany in the 2000s. In this process, Alevis generate a religion for the German state by coming up with the doctrine of *Buyruk* or establishing a clergy. In his visit to the London *cemevi* in December 2014, Turgut Oker, the former chair of the European Alevi Confederation, who was the lead in the process of recognition in Germany, underlined the need to re-write Alevism in Europe. He commented that:

Germany asked us where to put Alevism. We have said 'Alevism is a religion' for the last 15 years, we got prospect for future. If not, they [German authorities] said that I would talk to you as a part of other Islamic groups. We talked with lawyers. We said 'Alevism is a religion' to eliminate the influence of Islamic groups on us. There is no need to come up with a new prophet.⁷⁷³

His speech indeed summarises how the Alevi strategically use different legal frameworks to gain recognition. There is also an interesting link appears between German and British context. Referring back to the emergence of transnational Alevi movement in Chapter 4, Alevis struggled and succeeded to get recognition as a faith community (*gemeinschaften*) in Germany, after Islamic organisations asked for it. In the UK too, it might be suggested that the increasing emphasis on Muslims' integration might have prompted a trend among diaspora communities to present themselves as faith communities. This view is strengthened given that one of the reasons for Alevism for RE project was Alevis' effort to separate themselves from Muslims. As they were considered as either Muslims or atheists at school. In an interview during my fieldwork in London, the principal of Prince of Wales Primary School indeed

⁷⁷³ My fieldwork findings, his visit to London Cemevi in December 2014.

stated that they were treating Alevi pupils as Muslims before they opened up and underlined their difference.

Yearly Alevi festivals offer another platform for the production of an Alevi faith community in Britain. While the main festival event is a daily event in Hackney Downs Park in London, various events are organized within the festival framework. In May 2015, a *semah* demonstration event was organized in a building belonging to Oxford University. This place was hired by the Federation specifically to give publicity to *semah*. It was an event where tens of *saz* players played music and sang *deyiş/nefes* while tens of *semah* performers, who wore folkloric costumes. Mini booklets in English containing the lyrics of the *deyiş/nefes* songs that were played in the event were distributed to the audience. When I asked why the booklets were only in English, I was told that “we already know those *deyiş/nefes*, it is for the strangers” further indicating that the aim of the initiative was to give publicity to Alevism. The Federation facilitated buses for the event departing from London. The event was well received by the Alevi community, who watched it with pride, even though only a non-Alevis were present.

The Alevi federation is proud of these achievements examined above, as they consider it great respect for Alevis. Indeed, someone from the Federation told me that the Federation pursues a project for Alevism in the UK in three aspects: “erkan, alevilik, soylem”.⁷⁷⁴ Erkan indicates the way Alevis practice Alevism, while Alevism aspect of the project focuses specifically on how Alevis can explain Alevism to non-Alevis in the UK. The discourse aspect of the project addresses the representation of Alevism in different social-media platforms. In this regard, it is clear that the Federation takes the issue of representation of Alevism in the UK context seriously. Additionally, the story of success in the UK is situated in opposition to the centuries long persecution in Turkey in the discourse of the Federation. Thus, the Alevi movement in the UK also aims at lobbying against the deteriorating situation of Alevis in Turkey and for the betterment of Alevis’ situation in Turkey.⁷⁷⁵ In this connection, the All Party Parliamentary Group (APPG) for Alevis was established in January 2016. One of the strengths of the Alevi community in London is their

⁷⁷⁴ This information was provided to me off the record in July 2015.

⁷⁷⁵ During my fieldwork, the Federation often organized protests about political situation in Turkey.

population concentration in certain boroughs, which gives them power to negotiate with the political figures. Thus, the MPs of North London cannot neglect the Alevi movement. The activities carried by the APPGA aim at promoting the Alevi cause, which includes lobbying the Turkish government. The aim of APPGA is reported as “to promote in Parliament awareness, recognition and engagement of and with the Alevi community in Britain and internationally. To advance their development and recognise their legitimate socio-political aspirations.”⁷⁷⁶ APPGA can be an important instrument to influence British foreign affairs. I was told by one of my contacts from BAF that a round table was organized to discuss how to lobby against Turkey.⁷⁷⁷

6. 5. Teaching Alevism in Religious Education

6. 5. 1. Religious education in the UK

In England and Wales, religious education (RE) occupies a unique position, in that it is not part of the national curriculum, but has been a compulsory subject in maintained schools since 1944 (Education Act 1944). In England, when the 1988 Education Reform Act introduced the (then) ten subjects in the national curriculum, RE was not part of this but included in the ‘basic curriculum’ alongside the national curriculum (Education Reform Act 1988). All local (education) authorities were given a statutory duty to establish a SACRE⁷⁷⁸

Following to the Second World War, religious education was introduced as a statutory requirement in state maintained schools in England according to the Education Act 1944.⁷⁷⁹ Religious ‘instruction’ was non-denominational covering the core belief shared by all denominations of Christianity. This was amended by the Education Reform Act 1988 that replaced the phrase religious instruction with religious education.⁷⁸⁰ The

⁷⁷⁶ ‘Register Of All-Party Parliamentary Groups [as at 23 December 2015]’, available at <https://publications.parliament.uk/pa/cm/cmallparty/151223/alevis.htm> (accessed 5 May 2020).

⁷⁷⁷ June 2017, London.

⁷⁷⁸ Paul Smalley, ‘A Critical Policy Analysis of Local Religious Education in England’ (2019) *British Journal of Religious Education* 1-12.

⁷⁷⁹ Daniel Moulin, ‘Doubts about Religious Education in public schooling’ (2015) 19 (2) *International Journal of Christianity & Education* 135-148, 137.

⁷⁸⁰ L Philip Barnes, *Debates in religious education* (Routledge 2011) 23.

Education Reform Act 1988 recognized the growing religious diversity of Britain and stated that Agreed Syllabuses must include the principal religions represented in Great Britain other than Christianity.⁷⁸¹ Therefore, the Education Reform Act 1988 marked a transition from confessional religious education to multi-faith religious education, where the number of religions taught at school gradually increased. The transition to multi-faith model is considered as ‘instrumental turn’ because religious education was assumed with the aim of promoting social cohesion.⁷⁸² Following the race riots in England in the summer of 2001 and the events of September 11th in the same year, religious education is considered as an area to promote social cohesion.⁷⁸³

The number of religions taught in religious education increased from one to six (Education Reform Act 1988), to 11 (2004 Framework) and now to 13 (2013 Religious Education C Framework).⁷⁸⁴ As a curriculum subject, RE consists of the study of different religions, religious leaders, and other religious and moral themes. However, the curriculum is required to reflect the predominant place of Christianity in religious life and hence Christianity forms the majority of the content of the subject. All parents have the right to withdraw a child, albeit few parents use opting-out. For example, during the after school club for Alevi kids in Highbury Islington, where around 10 – 15 Alevi students used to gather for an hour, they used to ask what is Alevism if it is within Islam or not and how should they answer these questions. Once a student, complaining about his lack of knowledge on Alevism, said that “I can say more about Christianity than Alevism”.⁷⁸⁵ In response they are advised to tell whatever they know about Alevis, when posed a question to explain Alevism. Kids also complained that in primary school pupils are taught only Christianity.

6. 5. 2. Project of including Alevism in religious education curriculum

⁷⁸¹ Ibid 138.

⁷⁸² Daniel Moulin, ‘Doubts about Religious Education in public schooling’ (2015) 19 (2) *International Journal of Christianity & Education* 135-148, 138.

⁷⁸³ Ibid; Michael Grimmitt, *Religious Education and Social and Community Cohesion* (McCrimmon Publishing 2010).^[1]

⁷⁸⁴ L Philip Barnes, ‘Humanism, non-religious worldviews and the future of Religious Education’ (2015) 36 (1) *Journal of Beliefs & Values Studies in Religion and Education* 79-91, 87.

⁷⁸⁵ My fieldwork findings, March 2015, Highbury Islington, London.

Following the footsteps of the Alevi movement in Germany and elsewhere in Europe, the Federation in Britain also pursues the goal of getting recognition for Alevis as a faith community, which first requires making an Alevism. The chair of the Federation explained to me the importance of creating a booklet on Alevism as follows: “We don’t have the luxury of remaining within our cell anymore. We have to start archiving. The things that the elderly inside [the cafeteria] are talking about will be forgotten, this building will be forgotten, we will be forgotten but this booklet that we’re preparing will remain in 20 years time.”⁷⁸⁶ From this point of view, the foremost goal of the Alevi movement in London is to make Alevism visible and known so that they do not need to explain themselves. This aspiration first requires framing Alevism in a certain way. In the 2015 Alevi Festival, the opening speech of the chair of the Federation addressed why a certain framing for Alevism was needed: “we want to say we’re Alevi in all fields of life and we do not want to take into account the prejudices of others. We want that our children would not have to live the problems we faced.”⁷⁸⁷

Keeping in mind the feeling of unease about explaining Alevism, many Alevis have a strong memory about religious education. One of the participants said that he used to “feel insecure, willing to hide away during these classes while everyone else would seem proud of their religion belonging to something.”. In one of these classes, when the teacher asked if Alevis believe in God, he described the Alevi understanding of *Hak*. His teacher commented: “That is Atheism”. The participant had to accept his teacher’s account, although he underlined that he knew that they were not Atheists; but he was not able to explain that to his teacher and other students. Another participant recalled how she was pressured by other students to explain what Ali means for them exactly and was told that based on their belief in Ali, they should be Shia Muslims. These accounts indeed are not very different from others’ experiences of religious education at schools. Cetin’s ethnographic research on suicide

⁷⁸⁶ The original in Turkish: “Bizim kendimize kalma luksumuz yok. Arşivlemeye başlamalıyız. İçerideki dedelerin anlattıkları hikayeler unutulacak, bizim bu bina unutulacak, biz unutulacağız 20 sene sonar ama sizin hazırlayacağınız booklet kalacak.”

⁷⁸⁷ The original in Turkish: “Yasamin her alanında Aleviyim demek ve bunu söylerken karsımızdaki insanın ne düşündüğünü ya da onyargılarını hesaplamamak istiyoruz. Bizim yaşadığımız sorunları çocuklarımız yaşamasin istiyoruz.”

incidents among second generation Alevi Kurdish young men argues for a link between a sense of isolation and the Alevi identity. Cetin suggests that:

What emerged from discussions with the young people was their sense of isolation, particularly at school, where no one knew or understood their religion. They identified as “sort-of Muslim” to classmates but did not follow the same religious practices of prayer or fasting, and were subjected to bullying or ridicule for their beliefs.⁷⁸⁸

The initial idea of including Alevism in the religious education curriculum at the Prince of Wales Primary School in Enfield, belongs to an Alevi lady, who has worked as a play leader at school and is also an active member of the *cemevi*. This lady saw the possibility of including Alevism in the school curriculum and spoke about this with the *cemevi* group that later formed the Federation. In searching how this possibility could be materialized and how a religious education curriculum for Alevism could be locally prepared, the Federation organized consultations with borough councillors and the Standing Advisory Council of Religious Education (SACRE). SACREs are statutory bodies whose duty is to advise local authorities in preparation of the locally agreed syllabus for religious education and monitor its teaching in local schools.⁷⁸⁹ Subsequently, some members of the Federation were elected in the borough council of Enfield. The Federation initiated the Alevi Religion and Identity Project in collaboration with two scholars from the University of Westminster, Celia Atkins and Ümit Çetin, himself an Alevi, as well as Highbury Grove Secondary School and Prince of Wales Primary School. During my fieldwork, I was informed that although some members of Enfield SACRE objected to the project at the initial stage on the ground that Alevism is an Islamic tradition and covered by Islam in RE, they were convinced later on to support the project in 2010. Subsequently a number of meetings were held with the Federation, the scholars from the University of Westminster, the Prince of Wales Primary School authorities as well as SACRE to create a curriculum for teaching Alevism.

As a result of successful advocacy, in 2011 the first lessons on Alevism were launched as part of religious education curriculum for Key Stage

⁷⁸⁸ Ümit Çetin, ‘Durkheim, ethnography and suicide: Researching young male suicide in the transnational London Alevi-Kurdish community’ (2016) 17(2) *Ethnography* 250-277 (ftn 14) 28.

⁷⁸⁹ Bill Moore, *What is a Sacre?*, available at <http://re-handbook.org.uk/section/managing/sacres>, (accessed 14 December 2018).

1 and 2 in Prince of Wales Primary School in Enfield. For the first time in 2012, Alevism was taught as part of religious education for Key Stage 3 in Highbury Grove Secondary School. These two pilot schools, Prince of Wales Primary School in Enfield and Highbury Grove Secondary School in Islington, accommodate a high number of Alevi students. Thereafter the project continued to be implemented in these two schools. Enfield SACRE supported the project "to raise the self-esteem of Alevi pupils". Making the students "feel understood and accepted" were the main reasons for the Prince of Wales' involvement in the project.⁷⁹⁰ According to the deputy head of Prince of Wales Primary School, the success of Alevi pupils increased considerably after including Alevism as part of religious education.⁷⁹¹ Therefore, the project was referred to as a success for the multicultural British society and the Alevi faith community.⁷⁹² In 2017 Alevi festival, the Federation first time set up a stand specifically to promote this project by explaining Alevi parents how they can apply in their locality, although the stand did not attract attention. In addition, there is no research examining the impact of this project on the Alevi children.

The project for including Alevism in religious education provides insights about how this moment of secularization unfolds itself. According to the participants involved in this project, describing Alevism for SACRE was difficult and confusing. For instance, when they were asked if they have any religious obligations, they gave the example of *cem* rituals. However, attendance at *cem* rituals is not considered as an obligation for Alevis. In 2014, the Federation actually hired the former chair of National SACRE to create an Alevism curriculum for religious education. Keeping in mind the difficulty of describing Alevism to SACRE, hiring a total stranger, who had no idea of Alevism before this project but who is familiar with preparing religious education syllabus, was a strategic move. This move did not only demonstrate the enthusiasm of the Federation to advocate for the official recognition of Alevism; but also, the difficulty to build an Alevism curriculum, from mainly

⁷⁹⁰ Enfield SACRE, 'Minutes of Meeting on 16 January 2013', available at http://webfronter.com/enfield/sacre/menu1/Previous_meetings/images/Enfield_SACRE_MINUTE_S_16_Jan_2013.pdf (accessed 3 May 2015).

⁷⁹¹ Interview in September 2015.

⁷⁹² Celia Jenkins and Ümit Çetin, 'From a "Sort of Muslim" to 'Proud to Be Alevi: the Alevi Religion and Identity Project Combatting the Negative Identity among Second-generation Alevis in the UK' (2018) 20(1) National Identities 105-123.

oral and invariably diverse Alevi traditions. I know turn to how the process to prepare this curriculum has been unfolded.

The Alevism Curriculum

Alevism was covered in 6 weeks of the religious education curriculum. The curriculum started with the key beliefs of Alevism, continued on the roots of Alevism and the *cem* ritual and ended with an explanation of the 4 doors and 40 stations as the Alevi moral framework. Also, students were invited to visit the London *camevi* at the end of the semester. This is certainly a limited time to actually teach about Alevism. Indeed, many faith groups point out the limited and insufficient time allocated in the religious education curriculum. Some even argue that the religious education curriculum caricatures the religious belief.⁷⁹³ Notwithstanding with these criticisms, Alevism was taught along with other religions. This alone was enough to make it a ‘success’, an analogy with other religions, from the viewpoint of the Federation. However, the content omitted any reference to the *ocak* system, which lies at the core of the Alevi traditions, even though it is said to have been dissolving over last 50 years. Also, the beliefs and ‘symbolism’ of Alevism were emphasized, while the variety of practices were neglected. Nevertheless, the most important ‘loss in translation’ appeared to be how to describe *hak*. The curriculum describes *hak* as the Alevi word for God and meaning the truth but being more like a force or energy. In this shape, it is confusing even to adults, let alone pupils. However “may the force be with you” became a mantra to describe *hak* for school age pupils, reminding the infamous movie of Star Wars. *Cem* rituals are taught to be obligatory for every Thursday, although this is not the practice as far as I observed.

The lessons on Alevism were delivered by people from the Federation. The curriculum prepared by the former chair of National SACRE was also criticized by the team delivering the class. For example, some videos put in the curriculum were not played in the classroom for being ‘biased’. His translations for *hak* and Alevi path were not agreed but used. For example, the phrase “Alevi path” was replaced with “Alevi truth” in classroom notes.

⁷⁹³ L Philip Barnes, ‘Humanism, non-religious worldviews and the future of Religious Education’ (2015) 36(1) Journal of Beliefs & Values 79-91, 87.

Although the team found this replacement misleading, they did not however change it while delivering the class.⁷⁹⁴ Path continued to be translated as ‘truth’. This translation however distorts the well-known motto of Alevi “yol bir surek binbir” which translates as path is one and the ways to take the path is thousands and one. This phrase thus turned into “truth is one and but ways to the truth are many”. Similarly, during talks before the class, Alevi delivering the class discussed the differences in 12 services among different Alevi communities and questioned if the preparatory notes on 12 services are accurate or not. In this connection, someone, who was a member of the Alevi movement in Germany, visited the BAF to help delivering the Alevism class, complained that there is no consistency about 12 services and the Alevi belief council⁷⁹⁵ in Germany has to decide on these matters to have consistent information about 12 services.⁷⁹⁶ Another person was of the opinion that “if I wasn’t an Alevi, I would have told ‘first you have a consensus among yourself’”, referring to the person who prepares the curriculum.⁷⁹⁷

In these classes, elements of Alevi culture were described through a religious language: *Semah* was taught not as a dance but told to be a worship, *baglama* is the Book with strings, *deyiş/nefes* having coded spiritual meanings. The aphorisms of Ali or Hacı Bektas Veli are misplaced. His examples for aphorisms were not even known to the people delivering the class.⁷⁹⁸ However, he was not informed about these problems relating to the curriculum, to my knowledge. It was my contention that Alevi put less importance on how Alevism would be told in religious education and more importantly to the fact that Alevism is taught in religious education classes.

Having said that, the content mattered during the discussions about including Alevism’s relation with Islam in the classes. In a meeting aimed at discussing matters relating to the preparation of the Alevism curriculum,

⁷⁹⁴ March 2015, the team sometimes meet in a café before the class to go through the curriculum notes prepared by Mr. Bill.

⁷⁹⁵ Alevi Inanc Kurulu – Almanya Koeln (Germany), available at <http://www.aabf-inanc-kurumu.com/hakkimizda/aabf-inanc-kurulu-2006-2009/> (accessed 14 December 2018).

⁷⁹⁶ March 2015, London, Highbury Islington.

⁷⁹⁷ Highbury Grove Secondary School, 15 June 2016, Abbas Tan. Hacı Bektas’s aphorism in question was: “peace outside can only be reached through the inner peace”. There is no record that this phrase belongs to Hacı Bektas.

⁷⁹⁸ During a class that was observed by an Alevi journalist from Turkey who came to observe the Alevism lessons, I asked if he knows the mentioned aphorism that was dedicated to Ali, he said he has not heard of it.

attended by three people representing the Federation, teacher from Highbury Islington, the principal of Enfield primary school, a scholar from the University of Westminster and Mr. Moore, who was in charge of preparing Alevism curriculum, the issue of Alevism's relation to Islam brought about an interesting discussion. Mr. Moore, who did not know about Alevism before his involvement in curriculum preparation, received much of his initial knowledge from people affiliated with the Federation, who view Alevism separate from Islam. Mr. Moore opened up his concern that he was contacted, through Twitter, by a teacher at the Enfield Grammar School, who was taught that Alevism is a branch of Islam. Therefore, Mr. Moore suggested that the curriculum should include different views on Alevism that some consider it as an Islamic tradition. In response, the team from the Federation objected to any reference to Islam.⁷⁹⁹ The teacher from Highbury Islington responded that this kind of debate also exists in Christianity that some Jehovah Witnesses consider themselves within Christianity and yet others do not. He also added that the classification of Alevism has not started yet. This interesting remark was not elaborated or discussed during the meeting. Dr. Jenkins from Westminster University also remarked that the curriculum should not alienate Turkish Alevis, who consider themselves Muslims. Yet, later on, a note was included that some Alevis consider themselves Muslims. The Federation noted that there are Alevis who think of themselves true Muslims or atheists. I argue that the problem here is how to create such a curriculum to include all these claims. Explaining why some consider Alevism is true Islam requires an in depth analysis and explanation that is beyond the limits of religious education, especially for secondary school students. It is interesting that despite the curriculum's efforts to differentiate Alevism from Islam, most students from the classroom considered Alevism as a sect of Islam during the evaluation at the end of the semester, while the RE instructor considered it as a way of life.⁸⁰⁰

⁷⁹⁹ This meeting was held among a team of 3 from the Federation, Dr. Jenkins Celia from Westminster University, the Principal of Enfield primary school, the head of RE in Highbury Islington Secondary School, and Mr. Moore, who is in charge with preparing the curriculum. July 2016, London. The aim of the meeting was to discuss matters relating to the preparation of the Alevism curriculum.

⁸⁰⁰ My fieldwork findings, May 2015. During the last class, students were asked if they consider Alevism as a religion, sect of Islam or set of codes for social living. Many students raised hands for sect of Islam. The RE teacher of Highbury Islington commented that it is a system of values, during this class.

6. 5. 3. Contemporary issues on religion education

As indicated above, with the introduction of multi-faith religious education (RE), the number of religions taught has been increasing. In parallel, the multi-faith RE has been emphasized following to 9/11 and race riots in post-2000 era. As a result, RE as a curriculum subject has been assigned to foster community cohesion and toleration for difference in multicultural Britain.⁸⁰¹ However, no casual link “between RE as a curriculum subject and a distinctive transformative effect on the attitudes and social behaviour of children and young people” has been proven.⁸⁰² Barnes points to the lack of evidence to support how effective the British system as embracing multi-faith and multi-ethnic composition of society in religious education.⁸⁰³ There is no evidence to support the claim that RE contributes social cohesion and multiculturalism. While Ofsted 207 report⁸⁰⁴ on ‘making sense of religion’ concludes that RE carries a potential for contributing to community cohesion, education for diversity and citizenship, which is not fully realised, Barnes argues that Ofsted inspections are not set up to investigate how learning about religions might or might not have this impact.⁸⁰⁵ He underlines that 40 years after its intro in Britain, we don’t know if there is a positive correlation between multi-faith RE and respect for others.⁸⁰⁶

Multi-faith RE has been criticised for trying to achieve too much. RE in England and Wales tends to be dominated by surface descriptions of religious phenomena rather than deep exploration of contested theological truth claims. This is in part due to the reduction of the subject to a form of moral education designed to encourage pupils to identify cultural differences and

⁸⁰¹ APPG for RE Report, ‘RE and Good Community Relations’ available at <http://www.cstg.org.uk/2014/03/re-and-good-community-relations/> (accessed 12 December 2018).

⁸⁰² Janeth Orchard, ‘Does Religious Education Promote Good Community Relations?’ (2015) 36

(1) *Journal of Beliefs & Values – Studies in Religion & Education* 40-53, 51.

⁸⁰³ L Philip Barnes, ‘Diversity’ in L Philip Barnes (ed) *Debates in Religious Education* (Routledge 2011) 65-76.

⁸⁰⁴ Ofsted (Office for Standards in Education), ‘Making Sense of Religion: A Report on Religious Education in Schools and the Impact of Locally Agreed Syllabuses’ (June 2007).

⁸⁰⁵ L Philip Barnes, *Education, Religion and Diversity: Developing a New Model of Religious Education* (Routledge 2014) 19.

⁸⁰⁶ *Ibid* 46.

similarities as a means of enhancing cross-cultural toleration.⁸⁰⁷ Religions in RE can be trivialized, can be exaggerated or have their religiousness reduced in order to bring them into public sphere.⁸⁰⁸ Religious education is failing to motivate pupils and in all probability is contributing little to their moral and social development.⁸⁰⁹ Similarly, Moulin argues that post 9/11 political atmosphere' adversely influenced RE in England, reducing it to providing social cohesion only and such not providing sufficient knowledge on religion.⁸¹⁰ Representations of religions are considered inauthentic and inaccurate.⁸¹¹ Moulin points to research findings that the content of curriculum materials and textbooks in RE were perceived as inaccurate, generalized and stereotyped by Hindu and Sikh students.⁸¹² However Barnes underlines that original criticism of multi faith RE confusing pupils produced by conservative Christians who wanted to reinstate Christian Confessionalism in state maintained schools. He points to the polarized and ideological views on RE: while “‘conservatives’ criticism of multi-faith RE seems largely intended to advance Christian claims to supremacy [...] by contrast ‘liberal’ defences simply presuppose the validity and appropriateness of multi-faith religious education and are content to expose conservative prejudices.”⁸¹³

Despite the concerns over presenting too many religions in curriculum, the recent discussions on RE focus on inclusion of non-religious worldviews, which results in covering even more subjects, rather than addressing the critics over the superficiality of current curriculum for including too many subjects. British Humanist Association and Religious Education Council (REC) lobby to include humanism as a non-religious worldview to the RE curriculum. REC published an RE review report, which interpret RE instrumental to provide tolerance among diverse faith groups and thus

⁸⁰⁷ Andrew Wright, 'Critical Religious Education and the National Framework for Religious Education in England and Wales' (2008) 103(5) *Religious Education* 517-521, 519.

⁸⁰⁸ Ibid 144.

⁸⁰⁹ L Philip Barnes, *Education, Religion and Diversity: Developing a New Model of Religious Education* (Routledge 2014) 7.

⁸¹⁰ Daniel Moulin, 'Doubts about Religious Education in Public Schooling' (2015) 19(2) *International Journal of Christianity & Education* 135-148.

⁸¹¹ Mary Hayward, 'Curriculum Christianity' (2006) 28 (2) *British Journal of Religious Education* 153-171.

⁸¹² Daniel Moulin, 'Doubts about Religious Education in Public Schooling' (2015) 19(2) *International Journal of Christianity & Education* 135-148, 138.

⁸¹³ L Philip Barnes, *Education, Religion and Diversity: Developing a New Model of Religious Education* (Routledge 2014) 16.

contribute to social cohesion. The review report of REC argues for including non-religious worldviews such as Humanism in RE curriculum. However, in reviewing this review report of REC, Barnes and others argue that the current legal mechanism does not allow including secular worldviews as a curriculum subject on their own right, but only as critiques of religion.⁸¹⁴ According to them, there are no grounds in the Education Reform Act 1988 for revising the reading of the law to include non-religious worldviews in RE on their own. Current legal framework allows Humanism only as ‘non-religious criticism of religion’.⁸¹⁵ Besides, Barnes points “to the extent that a secular approach to education corresponds to a humanist approach, which is precisely the claim made by many humanists, it can be said that the modern British school curriculum is mainly a transmitter of humanist beliefs and values.”⁸¹⁶ He further continues to underline that “What is central and even essential to humanism is opposition to religion. This is unsurprising, as modern Humanism emerged within a European Christian culture and appropriated what were originally Christian values, while attempting to give them an exclusively naturalistic justification.”⁸¹⁷

Despite the critiques of multi-faith RE and despite the lack of evidence for fulfilling its aim, the prevalent emphasis of multi-faith RE seem to dominate the future agenda for RE. These are suggestive of multi faith RE with ever increasing number of religions and other non-religious worldviews such as Humanism. In parallel, the latest report by the Commission on Religious Education in 2018 presented a national plan for RE that consists of three main components. According to the national plan, the name of the subject as Religious Education would be replaced by “religions and world views” to reflect the new vision for the future of RE. The second is to make RE statutory subject of the national curriculum. The third is to provide a multidisciplinary approach for teachers, which means more funding for their training. Given the criticism over the quality and success of already existing RE, the national plan is undaunted as well as comprehensive. The Commission advocates for such a

⁸¹⁴ L Philip Barnes and Marius Felderhof (eds), ‘Reviewing the Religious Education Review’ (2014) 35(1) *Journal of Beliefs & Values – Studies in Religion & Education* 108-117, 111.

⁸¹⁵ L Philip Barnes, ‘Humanism, Non-religious Worldviews and the Future of Religious Education’ (2015) 36(1) *Journal of Beliefs & Values – Studies in Religion & Education* 79-91, 81.

⁸¹⁶ *Ibid* 86.

⁸¹⁷ *Ibid* 88.

ground-breaking reform for RE, exactly by pointing to the failure of RE to actualise its potential. For instance, the Commission points to the inconsistent RE teaching across the country that undermines the quality of teaching. The Commission also mentions the lack of confidence in RE teachers and therefore suggests more funding to provide RE teachers with the appropriate equipment to teach.

The suggestion to change the subject name to religion and worldviews is significant, for it nestles a number of assumptions that need attention to analyse how religion is universalized as an account, as discussed in Part I. For the Commission, everyone has a worldview; “their way of seeing, making sense of and giving coherence and meaning to the world and to their own experience and behaviour.”⁸¹⁸ The Commission views worldview as the common denominator to address both religions and ‘other’ worldviews. In the eyes of the Commission,

‘Worldviews’ refers to the wide variety of religious and non- religious worldviews that can be studied as part of this subject. Retaining the term ‘religion’ – and not ‘religions’ – in the subject name is a reminder that religion as a category is a crucial object of study, as are other conceptual categories such as secular, spiritual, and worldview.⁸¹⁹

The Commission describes a worldview as a view of the world:

A worldview is a person’s way of understanding, experiencing and responding to the world. It can be described as a philosophy of life or an approach to life. This includes how a person understands the nature of reality and their own place in the world. A person’s worldview is likely to influence and be influenced by their beliefs, values, behaviours, experiences, identities and commitments. We use the term ‘institutional worldview’ to describe organised worldviews shared among particular groups and sometimes embedded in institutions. These include what we describe as religions as well as non-religious worldviews such as Humanism, Secularism or Atheism. We use the term ‘personal worldview’ for an individual’s own way of understanding and living in the world, which may or may not draw from one, or many, institutional worldviews.⁸²⁰

Further, the Commission is of the opinion that religions and worldviews tackle same existential questions about meaning and purpose of life.⁸²¹

⁸¹⁸ Commission on Religious Education, *Final Report: Religion and Worldviews: The Way Forward A national plan for RE* (September 2018) 26, para 23.

⁸¹⁹ Ibid 31, para 37.

⁸²⁰ Ibid 26, section 3.

⁸²¹ Ibid 30, para 34.

Acknowledging that the adherence to religious worldviews is in decline, the Commission views the religious and non-religious worldviews interwoven and difficult to hold a clear-cut separation.

Referring back to Part I, Chapter 2, existential questions about the meaning and purpose of life are born within the account religion provides and therefore are internal to religion. It is possible to ask these questions only because the Cosmos is understood containing meaning and that everything in Cosmos including our lives have a purpose. Yet this claim is religion's own claim about itself and Cosmos, emanates from the idea that God created Cosmos and everything in it for a purpose. In this connection, Balagangadhara argues that indeed religions are the only candidates of worldviews and religion is secularized in the form of worldview. Every individual has a worldview emanates from the assumption that every culture has a religion. A worldview, however loose it is described in the report, is centred around norms and beliefs. As discussed in Part I, this is not how non-Semitic traditions are shaped. Alevi traditions seemed to be practice oriented where belief becomes secondary. That's why it is difficult to prepare and present an Alevism curriculum for the purposes of RE. In preparing its curriculum, certain elements of the Alevi traditions are picked, as they are instrumental to present a doctrine oriented coherent view of the world for Alevis. This has repercussions for Alevis as the core practices of Alevi traditions becomes secondary and reduced to mere symbolic meanings in representing Alevi norms and beliefs, rather than being appreciated as practices and rituals. For instance, as shown in my analysis of the resources of Alevi traditions, *deyiş/nefes*, *semah* and ritual of *muhabbet* are covered briefly. Alevis put their energy in producing a worldview. The emphasis put on *cem* ritual as the Alevi worship and *cemevi* the place of worship takes the attention away from other resources of Alevi tradition, namely *deyiş-nefes* and *semah*. *Semah* becomes a sacred dance which ought to be exclusive to *cem* rituals. The Alevi traditions turn into mere symbols that are 'meaningful' as long as they have a role in explaining an Alevi world view.

6. 6. Making Alevism for the Charity Commission

6. 6. 1. Provisions of Charities Act 2011

Charities Act 2011, Advancement of Religion and Public Benefit

Another area of pride as represented by the Federation was the decision by the Charity Commission that recognizes Alevism as a religion for the purposes of Charity law.⁸²² This recognition had been gained after more than two years of application process. However this may not be a long time, keeping in mind the processing time of the Commission reached five years in the case of Druid Network⁸²³ and Gnostic Center.⁸²⁴ The former was eventually recognized as a religious charity, while the latter was found lacking an identifiable moral or ethical framework.⁸²⁵ The Commission is known to take its time to rule whether a charity's main objective is advancement of religion or not. In other words, the Commission's examination of religion is scrutinized in cases that are not clear cut religions and takes longer to process these claims.⁸²⁶

A charity is a non-profit organisation, recognised by the state as having charitable purposes and which exists for the public benefit.⁸²⁷ The Charities Act 2011 defined charity as an institution established for charitable purposes only, which are laid down in Section 3 (1) and are for public benefit.⁸²⁸ There are a number of fiscal benefits for charities, including tax relief on gift aid donations, no income tax or corporation tax to pay, no tax on investments, non-domestic rate relief, no VAT on advertising for fundraising and on new buildings and preferential rates from banks and suppliers. Charities also have the advantage that their status confers respect in public. Their finances and conduct are regulated. This encourages people to have confidence

⁸²² Charities Act 2011.

⁸²³ Druid Network, [2010] Charity Commission (21 September), available at <https://www.gov.uk/government/publications/druid-network> (accessed 20 March 2020).

⁸²⁴ Gnostic Centre, RE [2009] Charity Commission (16 December), available at <https://www.gov.uk/government/publications/gnostic-centre> (accessed 20 March 2020).

⁸²⁵ Ibid para 49: "Although Gnosticism, as advanced by The Gnostic Centre, satisfies a number of the essential characteristics of a religion for the purposes of charity law, it was not demonstrated that all of the necessary characteristics of a religion were met, given that they had not identified a positive, beneficial, moral or ethical framework being promoted. Consequently, the Board Members concluded that it has not been demonstrated that The Gnostic Centre is established for the advancement of religion, as that is understood in charity law."

⁸²⁶ See Druid Network, [2010] Charity Commission (21 September), available at <https://www.gov.uk/government/publications/druid-network> (accessed 20 March 2020); Gnostic Centre, RE [2009] Charity Commission (16 December), available at <https://www.gov.uk/government/publications/gnostic-centre> (accessed 20 March 2020).

⁸²⁷ Charities Act 2011. Also see Charity Commission, 'Public Benefit: The Rules for Charities' (14 February 2014), available at <https://www.gov.uk/public-benefit-rules-for-charities> (accessed 29 May 2015).

⁸²⁸ Charities Act 2011 section 1-2.

and make donations. For instance, the chair of Druids Network commented that the tax benefits are of little importance but the recognition by the Charity Commission would enable them to be recognized by the local councils in their administrative status.⁸²⁹

In order to be eligible for charity status, an organization must have a charitable purpose, which is also for the public benefit.⁸³⁰ Public benefit test is to close doors for political groups. Two key principles for public benefit are: a. there must be identifiable benefit as relating to the aims of the charity and balanced against harm; b. benefits must be public.⁸³¹ There are 13 charitable purposes; the advancement of religion is one of them. Section 3 (2) (a) indicates religion including both those involving belief in more than one god and those not involving belief in a god. In Annex A of the Commission's Guidance note on the Advancement of Religion for Public Benefit,⁸³² a religion is considered as a belief system that a) involves belief in a god or supreme being, divine or transcendental being or entity or spiritual principle, which is the object or focus of the religion; b) a relationship between the believer and the supreme being or entity through worship; c) has a degree of cogency, cohesion, seriousness and importance; d) promotes an identifiable positive, beneficial, moral or ethical framework. Thus, Charity Commission does not require a religion having belief in god and describes Buddhism as a 'realised' and not a 'revealed' religion. Worship is characterised as the expressions of belief in supreme being or entity. Advancing religion for the public benefit "means to promote or maintain or practice it and increase belief in the supreme being or entity that is the object or focus of the religion". Some of the examples are seeking new followers, providing place of worship, and promoting particular tenets of a religion.

⁸²⁹ 'Druidry to be classed as religion by Charity Commission', *BBC News* (London 2 October 2010), available at <http://www.bbc.com/news/uk-11457795> (accessed 20 March 2020).

⁸³⁰ The Charity Commission, 'Public Benefit: The Rules for Charities' (14 February 2014), available at <https://www.gov.uk/public-benefit-rules-for-charities> (accessed 29 May 2015).

⁸³¹ The Charity Commission, 'Analysis of the law underpinning The Advancement of Religion for the Public Benefit' (December 2008), available at <http://webarchive.nationalarchives.gov.uk/20140505171106/http://www.charitycommission.gov.uk/media/94857/lawrel1208.pdf> (accessed 20 March 2020).

⁸³² The Charity Commission, "Advancement of Religion for the Public Benefit" (December 2008), available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358531/advancement-of-religion-for-the-public-benefit.pdf (accessed 20 March 2020).

6. 6. 2. Relevant adjudication of the Charity Commission

The decisions of the Charity Commission concerning religion might seem controversial in some of its decisions, particularly for the applications made by “new age” religions or those religions that are not straight forward to recognize. For instance, in 2009 the Commission refused the application made by the Gnostic Centre for the advancement of religion (Gnosticism).⁸³³ The absence of a moral framework was shown as the reason for its negative decision. In its analysis, the Commission accepted that the Gnostic Centre does profess a belief in a supreme being and does engage in worship and ‘demonstrate a core set of beliefs’ despite its internal diversity. And yet, the Commission found “an identifiable positive, beneficial, moral or ethical framework promoted as it found ‘spiritual improvement’” absent and hence the application was turned down. The decision reads: “It is the existence of an identifiable, positive, beneficial moral or ethical framework that is promoted by a religion which demonstrates that the religion is capable of impacting and does impact on society in a beneficial way.”⁸³⁴

Similarly, the Commission rejected the application of Scientology by noting that the belief system must be more than a philosophy or way of life to constitute a religion.⁸³⁵ However, in 2013 the Supreme Court held that a church within the Church of Scientology could be a ‘place of meeting for religious worship’ under the 1855 Act.⁸³⁶ The Supreme Court decision means that the Church of Scientology is now considered to be a religion for the purposes of the Places of Religious Worship Registration Act 1855. However, Scientology is not currently considered to be a charity for the advancement of religion even though the definition of religion under charity law is based on the now overruled decision in *Segerdal*.⁸³⁷

The Druid Network was also subjected to a deep scrutiny by the commission. However, it was eventually recognized as a religious charity after

⁸³³ Gnostic Centre [2009] Charity Commission (16 December)

<https://www.gov.uk/government/publications/gnostic-centre> (accessed 20 March 2020)

⁸³⁴ Ibid para 60.

⁸³⁵ Church of Scientology [1999] Charity Commission (17 November), available at <https://www.gov.uk/government/publications/church-of-scientology-england-and-wales> (accessed 20 March 2020).

⁸³⁶ *R (on the Application of Hodkin) v Registrar General of Births, Deaths and Marriages* [2013] UKSC 77.

⁸³⁷ *R v Registrar General, ex parte Segerdal* [1970] 2 QB 679.

five years of struggle. In its application, the Druid Network argued that “nature” is regarded as the supreme being within Druidry. In its decision⁸³⁸, the Commission confirmed that: “[Druidry] is concerned with forming a relationship with nature, which Druids consider to be sacred, and through spiritual interaction there is a quest for divine inspiration [...] All life is considered to be sacred and this extends to humanity, the natural and built environment, the universe and everything within it”.⁸³⁹

The Charity Commission’s adjudication may seem arbitrary. Despite being very vague, the Commission relies on a specific framing of religious claims as seen in above cases. While there is no single definition of religion under English law, the Charity Commission relies on an understanding of religion as a belief system that requires a supreme being or principle, worship, moral framework and ‘a degree of cogency, cohesion, seriousness and importance.’⁸⁴⁰ As discussed in Introduction and Chapter 2, considering religion as belief oriented is rooted in the Protestant doctrines. Balagangadhara assesses how the secular state impacts on religious violence in India by unravelling the presumptions of secular state on the nature of religion. He distinguishes the difference between the Semitic view on that “religion revolves around the crucial question of the truth and falsity of a set of doctrines” on one hand and the Hindu traditions that sees “various traditions as *human search* for ‘truth’” and “the different religions as paths in this on going quest”, on the other.⁸⁴¹ Against this difference, the secular state has to rely on one of these views, which are logical negations of one another.⁸⁴² That is to say, the state has to accept either religion as a matter of truth and different religions as rivals or religion is not a matter of truth. Even though the state wants to be agnostic towards the truth claims of any particular religion, it assumes that religion is a matter of truth. Therefore, state neutrality becomes

⁸³⁸ The Druid Network [2010] Charity Commission (21 September), available at <https://www.gov.uk/government/publications/druid-network> (accessed 20 March 2020).

⁸³⁹ Ibid para 26.

⁸⁴⁰ The Charity Commission, ‘Analysis of the law underpinning The Advancement of Religion for the Public Benefit’ (December 2008), available at <http://webarchive.nationalarchives.gov.uk/20140505171106/http://www.charitycommission.gov.uk/media/94857/lawrel1208.pdf> (accessed 20 March 2020).

⁸⁴¹ S.N. Balagangadhara and Jakob De Roover, ‘The Secular State and Religious Conflict: Liberal Neutrality and the Indian Case of Pluralism’ (2007) 15(1) *Journal of Political Philosophy* 67-92, 74.

⁸⁴² Ibid 77.

an empty promise, when encountered with cultures that do not have a truth claim. The process in which the Federation was granted the charity status for the advancement of religion (Alevism), which I now turn to, supports Balagangadhara's arguments pointing to the fundamental difference between religion and tradition, as elaborated in Part I.

6. 6. 3. The Britain Alevi Federation's application to the Charity Commission

Unaware of the adjudication of the Charity Commission, the initial application of the Federation clearly did not have in mind specifically the advancement of Alevism as a religion in its objective. The initial application states the Federation's objective to advance Alevism and Humanism, since "Alevism is 'the ancient Humanism' committed to the ideals of equality, democracy, science and respect for others".⁸⁴³ Therefore, the initial application did not represent Alevism as a religion. Quite the contrary, the Federation's objective was "to extend and deepen public understanding of Alevism and Humanism as a life stance". The application went further and described Alevis as "humanists strive to be rational, looking to science in attempting to understand the universe and ethical, seeking to act in a way that puts human welfare at the centre of morality and that they seek to make meaning in life in the here and now."⁸⁴⁴ The Federation also committed to "promote and protect 'other non-religious groups' rights" by upholding the principles of Humanism, which was perfectly aligned with Alevism". In its response to the Federation, the Commission seemed to be puzzled, since it responded to the Federation's application with a question on whether its objective was to promote Humanism or Alevism. The Federation was warned promoting two philosophies might hamper an otherwise successful application.⁸⁴⁵ The Commission's confusion might stem from its understanding of competing (rival) worldviews: it has to be either Humanism or Alevism. As explored in Part I, there is no rivalry for Alevis. They have never engaged in proselytizing activities historically. They do not consider other traditions in competition to theirs. Therefore, it makes

⁸⁴³ Interview with the person from BAF in charge with the application to the Charity Commission.

⁸⁴⁴ The initial application of the BAF to the Charity Commission, dates 12 January 2014.

⁸⁴⁵ My fieldwork notes, email correspondences between the Federation and the Commission that was shared with me.

perfect sense for them to try to explain Alevism with reference to Humanism. After all, Alevis explain their tradition as the value given to the potential human being carries, which primarily signifies their difference from religions. For Alevis, the reason for considering Alevism and Humanism in parallel might be because they do not have access to the cultural background of what religion is, a candidate for the truth.

Nonetheless, in response to the Commission's advise, the Federation dropped out its objective to promote Humanism and opted only for the advancement of Alevism. However, the initial representation of Alevism mimicking the ideals of Humanism caused another confusion for the Commission as to whether Alevism can be considered as a religion for the purposes of charity commission or not. In this regard, the Commission inquired about the aspects of Alevism such as the existence of a deity, kind of worship, ethical or moral framework as well as the activities for public benefit. Upon the Commission's request for elaboration, the Federation provided an account where Alevism and Humanism are used interchangeably as 'a tolerant ethical life', which relies on 'reason, experience and naturalistic view of the world'. Its objects were to promote education, equality and non-discrimination as well as human rights and implementation of the Human Rights Act. Humanism and Alevism are used interchangeably aiming to protect 'other non-religious people'. Confused with the response, the Charity Commission asked specifically whether there is a belief system as well as a moral and ethical framework central to the interpretation of Alevism. Despite its attempts to avoid talking of 'belief system' or 'religion', the Federation gradually adopted a different strategy, as confronted by the Commission. It finally asserted Alevism being a belief system inspired from the idea of Batini (internal)/ Zahiri (external) aspects of 'reality', which is then translated into 'truth' and then to God. The concept of God however remained problematic: the Federation describes *Hak* as "I am one with God" or "I am one with truth" interchangeably reflecting that "every human being is a carrier of the essence from God". It then went on explaining that Alevis do not fear God, believe in the migration of soul and respect every religion. The *cem* ritual is translated as 'communal worship', while the notion of enlightenment becomes 'pure consciousness'.

Although the Federation wanted to make a move towards conceptualizing Alevism as a religion, it enumerated the main values of Alevism as: Humanism, Egalitarianism, mutual assistance, and gender-equality that are considered to be secular and universal values of the Western democracy. In response, the Commission referred the application to a specialist for a deeper review and posed the expected question: “Is the organisation actually set up to promote two different, alternative belief systems?” Further, it underlined the similarities between British Humanist Association's and the Federation's views on Humanism, except the Federation's additional emphasis on deity and super-natural, which caused 'inconsistency' in the eyes of the Charity Commission. The Charity Commission explicitly advised the Federation to examine the Druid Network's application to see how they were able to convert the variety into a coherent system and accordingly to present "a system of belief, that is, something unified and coherent". The Federation's subsequent response added a program of religious worship and calendar, which it did not have it at the first stage of the application. Yet, it could not present a coherent claim for Alevism being a religion. For example, it denied the existence of a deity at one page of their submission, while claiming *Hak* as the Alevi God in another page.

Meeting with the Commission

Unsatisfied with the correspondence, the Commission invited the Federation for a meeting its headquarters in Exeter.⁸⁴⁶ I was also invited to the meeting by the Federation.⁸⁴⁷ In the meeting, the inconsistency that mentioned above about the existence of God in Alevism was pointed out as well as Alevism's relation with Islam. For instance, the legal advisor for the Commission emphasized that the application should present a coherent argument, unlike the current application which argues that Alevis do not believe in God while asserting *hak* as God within the same document submitted to the Commission. The Commission also confronted the Federation about presenting two different sets of arguments promoting Humanism on one hand and Alevism on the other. The Commission's other concern was whether

⁸⁴⁶ The meeting took place in the headquarters of charity commission on 17 July 2015.

⁸⁴⁷ The meeting was held between two persons from the Federation, me, and three persons from the Charity Commission, including the legal adviser of the Commission.

Alevism has a set of beliefs and whether there is a common core belief and practices that were shared by diverse Alevi communities. By chance I was there with a booklet of Alevism that was prepared by the former chair of national SACRE. As the Commission was concerned with commonly shared values of Alevism and a written source for it, I gave my booklet to the Commission upon the request by the Federation staff. This booklet states that *Hak* means God, but it is more like energy or a force. Further it states that everything in universe is an expression of *Hak* and that the whole universe was ‘created’ by *Hak*; but is not separate from it. It further asserts that “there is something of God in all living creatures and most fully in humans” and “all people contain the essence of *Hak*”. Similarly, the Federation described the *cem* ritual as communal worship and 4 doors and 40 stations as the moral framework. They also claimed that Alevis do not have written sources as they were persecuted, and their written sources were destroyed.

Furthermore, the Commission was informed about the Alevism project for RE and the referral of *dede* as clergy by HM Prison, upon a prisoner’s request to meet *dede* in a prison. The Federation also informed the Commission that Alevism has been recognized as a religion in many other European countries. The Commission noted these as supporting information and told that they would look at the booklet. Each ‘achievement’ about the recognition of Alevism has been building up for further recognition demands, as the chair of the Federation had told me in a meeting. For example, during the meeting with the Charity Commission, the Federation presented the example of *dede* allowed as clergy in HM Prison as the evidence for Alevis being a faith community.⁸⁴⁸ Indeed, I was told that a success for the recognition of Alevism at one level leads to a success at another level to underline the importance of local activity for recognition of Alevism in British context.

A few months subsequent to this meeting, the Commission accepted the Federation’s application and thus recognized Alevism as a religion for the purposes of Charities Act. As indicated in the decision letter, the Commission draws its analysis largely on the Alevism booklet which was delivered in the meeting. In the decision, the Commission first reiterated that a religion should include “a spiritual or non-secular belief system, held by a group of adherents,

⁸⁴⁸ The interview with the chair of BAF.

which claims to explain mankind's place in the universe and relationship with the infinite", referring to *Hodkin*.⁸⁴⁹ Then, referring to the booklet mentioned above, comes to the conclusion it agrees that Alevism meets this requirement, as God in Alevism is *Hak*, which means the truth and if God has created everything, the human beings are sacred in the world and thus Alevis consider everything sacred and carrier of an essence from God. It further stated Alevis consider god, the cosmos and humanity in a state of total unity.

The Commission's analysis also underlines the following characteristic for a religion: "A spiritual or non-secular belief system which teaches its adherents how they are to live their lives in conformity with the spiritual understanding associated with the belief system". According to the Commission, the following Alevi beliefs evince for this characteristic: Alevis consider all nations as one regardless of ethnic, racial, gender and linguistic differences, simply because each creature carries the same sacred essence; Humanism, egalitarianism, mutual assistance, and gender-equality are the main social characteristics commonly shared by Alevi communities; Resistance against injustices is a social attitude in Alevism. Moreover, in the Commission's consideration, the self-spiritual development is central in Alevism which instructs finding God in one's self. Additionally, the analysis underlines the saying of "Being the Master of one's hand, tongue and loins" as the moral framework of Alevism and interprets 4 Doors 40 Stations in 4 stages as 1. Acceptance of Alevism; 2. Studying of Alevism; 3. Practice of Alevism; 4. Enlightenment -becoming good and eliminating the bad, reaching *Hak*. Lastly, the analysis considers *cem* ritual and *musahip* ritual as worship. In light of the above-mentioned analysis, the Commission came to the conclusion that Alevism is a religion and the BAF can operate for advancing the Alevi faith. To sum up, what the representatives of the Federation could not succeed in their testimonies, the publication achieves since Alevism is represented as a system of belief and a worldview. As a system rather than scattered claims about rituals, the booklet provided the gateway for the Federation to the status of religious charity.

⁸⁴⁹ *R (on the Application of Hodkin) v Registrar General of Births, Deaths and Marriages* [2013] UKSC 77.

The Federation could have followed the suit for getting recognition for a category other than religion. Yet, they did not. Their choice of religion category might be attributed to the increasing importance of religion in public policies for governing difference as well as the internalisation of a religious view by Alevis. For instance, Shah argues that the Hindu reaction to the Caste Legislation is shaped within British multiculturalism that is dominated by Western constructs of Hindu traditions, which distort not only these traditions but also how the Hindus frame their claims against the legislation. He calls the Hindu reaction as the tragedy of the postcolonial Hindu “who argues against chimerical allegations about the nature of his culture and society.” He considers it as an example of ‘colonial consciousness’ because the Hindu diaspora fail to access to their own traditions while do not enjoy access to the Western culture that produced notions of the caste system and of Hinduism.⁸⁵⁰ Both the unease of preparing an Alevism curriculum and presenting a claim for religious charity before the Charity Commission supports my analysis in Part I about the lack of a religion in Alevi traditions, according to Balagangadhara’s theory. In addition, it supports my suggestion that the Alevi movement negotiate Alevis’ difference to benefit most from the politico-legal systems. Living in the faith community focused British multiculturalism, the movement positions Alevis as a faith community.

6. 7. Conclusion

From theoretical perspective, Ivison points to 3 modes of understanding multiculturalism: The first ‘logic’ is ‘protective’ or communitarian multiculturalism, which considers cultural integrity of a group essential. The second is liberal multiculturalism that grounds multiculturalism to the ideas of equality, autonomy, toleration and equal respect. The third is imperial multiculturalism that critically examines the relations of power and conditions that put forward by the state for recognition. In all these approaches to multiculturalism, religion is considered as a universal conception of good and traditions are subsumed under the category of religion as long as they are

⁸⁵⁰ Prakash Shah, ‘Orientalism, Multiculturalism, and Identity Politics: Hindus and the British Caste Law’ (2017) *Quaderni di Diritto e Politica Ecclesiastica* (special issue: Daimon. Diritto comparato delle religioni) 343-357.

formulated accordingly. The liberal ideals of equality, toleration and human rights gave rise to multiculturalism, which has been evolving rather experimentally at policy level. In this connection, instead of being responsive to the super-diversity in society, the British multiculturalism is rather reactive and thus shaped in parallel to certain crises arose by the difficulty to accommodate this super-diversity. The paradigm shifts in policy implementations have been influenced by riots. Eventually the problem of Muslim's integration led to an increasing emphasis on accommodation of diversity in religious terms.

Similar to other communities,⁸⁵¹ Alevis are required to describe their traditions as a version of religion whose practitioners ought to enjoy the freedom to manifest that religion and integrate in the multicultural society of Britain. Alevis' unease with building an Alevism curriculum to be included in the religious education and gain recognition for the Federation as a religious charity demonstrate this effort. The British political and legal system compels the transformation of traditions into quasi-religion; 'quasi' because they only pretend to take the form of religion without being that. This process of taking the form of religion spills back to Alevis' own experience of their tradition. Those elements that are instrumental to provide an Alevi worldview such as Bektaşî teachings are retained, while other resources of traditions such as *semah* and *deyiş/nefes* become secondary and some others such as *hak* increasingly being formulated in terms of the concept of God in Semitic religions. The scriptural aspects of the Alevi traditions have dominated the Alevi presentation in multicultural Britain, as it provides a belief system with an identifiable moral framework.

Vertovec discusses the patterns of change surrounding transnational diaspora communities in terms of religious affiliations.⁸⁵² He points to the movement and resettlement in a new context bringing in multiple factors to alter the social organization and practice of religion. I argue that one of the factors, perhaps the most significant one, is the politico-legal system, which the diaspora communities respond to for situating themselves in. According to

⁸⁵¹ Prakash Shah, 'Secularism's threat to tradition: A reading of Europe, India and the Limits of Secularism' (2019) *Sikh Formations* 1-8.

⁸⁵² Steven Vertovec, 'Religion and Diaspora' (2004) *New approaches to the study of religion* (2) 275-304.

Friedman, identification is “a practice situated in a special social context, a set of conditions that determine in which subjects orient themselves in relation to a larger reality which they define in defining themselves.”⁸⁵³ While the politico-legal systems contain certain opportunity structures for accommodating diversity, either through multicultural politics or nation-state, the Alevi movement that formulate and advocate certain recognition demands within these systems.

The unease of describing Alevi identity in terms of the existing identity categories such as religion or ethnicity has become overtly apparent in school environment that cultivates contacts with the other in multicultural Britain. Similar to the Turkish context, the school environment becomes an area where the Alevi identity is questioned. Yet, different from Turkey where the Alevi pupils are pressured to be integrated into Islam, the religious education framework in the UK offers an opportunity for Alevis to include Alevism in the religious education curriculum. Although the recent developments in RE about introducing non-religious world views attempt to provide better accommodation for the British multicultural society, ironically by using RE as a blanket subject to teach about two distinct phenomena, these attempts might bring about further confusion and further universalisation of religion as a world-view, which would impose a certain framework on traditions like the Alevi. Similar to the limited accommodation the RE presents for Alevis, granting the charity status to the Britain Alevi Federation on the ground of religion reveals the difficulty for Alevis to articulate a claim that fits into the Charity Commission’s understanding of religion as a belief system making a truth claim in rivalry with others. Even though Sandberg’s suggestion on introducing a broad definition of religion takes place, such a definition would possibly frame religion as based on doctrine and belief. As discussed in Part I, Chapter 2, religion and tradition are two different phenomena that cannot be captured with a loose definition which could fairly be used by judges and state institutions. Before we explore better accommodation for traditions like the Alevi, we need to first recognise and acknowledge the fundamental difference between religion and tradition.

⁸⁵³ Jonathan Friedman, ‘Global Crisis, the Struggle for Cultural Identity and Intellectual Porkbarrelling’ in Phina Werbner and Tariq Modood (eds) *Debating cultural hybridity: Multicultural identities and the politics of anti-racism*. (Zed Books Ltd 2015) 88.

CHAPTER 7 – CONCLUSION

7. 1. Introduction

Using the framework provided by the research group⁸⁵⁴ led by Balagangadhara, this study has aimed to provide a different reading of the issues surrounding Alevis' recognition demands, as formulated by the transnational Alevi movement. Alevis are people who have been persecuted for their beliefs and practices for centuries. The religion of Alevis has been referred as Alevism since late 19th – early 20th century. Although originating in Turkey, many European countries like Germany and the United Kingdom accommodate Alevis as a result of migration from Turkey. In these countries, different organisations, as part of the transnational Alevi movement advocate for recognition of Alevis' difference with respect to the freedom of religion.

This thesis began by problematising Alevism and describing the issue of Alevis' recognition in different politico-legal contexts. The research question has been “How do Turkey, the UK and the ECtHR accommodate Alevis' difference, and what is the implication of this accommodation for Alevis and the Alevi culture?” I approached my research question by first exploring the difference of Alevis within the nexus of culture and religion and then examining the accommodation of this difference. In this regard, this thesis was divided into two parts: While the first part laid out a theoretical framework and analysis of Alevis difference, the second part investigated the states' accommodation of this difference. I used two theories in my analysis: Balagangadhara's theory of religion informed my analysis of the Alevi culture, while De Roover's theory of secularisation guided me to analyse the political and legal systems in accommodating Alevis. If Balagangadhara traces the secularisation of religion and its reflection in the social sciences, De Roover demonstrates the process by which Christian theological ideas were secularised

⁸⁵⁴ ‘Comparative Science of Cultures, Research Centre Vergelijkende Cultuurwetenschap’, available at <http://www.gyaana.eu/> (accessed 2 May 2020).

in the shape of political theory. In line with Balagangadhara and De Roover, I consider secularisation as the process in which theological ideas gradually lose their apparent link to the theology and accepted as general facts by society.

7. 2. A Theory of Secularisation

In Part I, Chapter 2, I laid out the theoretical framework that informs my analysis of the Alevi traditions as well as the ways in which the Alevi demands for recognition were accommodated in the politico-legal contexts of Turkey, the UK and the ECtHR. I first provided a critique of studies that are critical of implementation of religious freedom. My critique pointed out the implicit assumption in these studies that religion is a culturally universal. Secondly, I introduced De Roover's secularisation thesis, that considers secularisation as the process by which theological claims have gradually become common sense ideas. Through the work of Jakob De Roover, I explored how the secularisation of Christian theological ideas are embedded in the political theory of religious freedom and secular state. More specifically, the idea of toleration is grounded on the belief that it is the moral duty of a Christian to tolerate people's religion because the salvation comes through the free work of the Holy Spirit, which also provides basis for considering religion as a matter of conscience in private realm. Moreover, these ideas as well as the political theory on accommodation of religion presume that every culture have their own religion. This theoretical framework places religion as the foremost medium to articulate differences.

De Roover's analysis makes two significant claims that are important for this thesis: The first is that the framework of religious freedom and secular state is dependent on Christian theological ideas to the extent that when this framework is transplanted into a different context, it loses its intelligibility. The second is that this framework compels communities to take the shape of religious communities as the theological ideas that this framework implicitly relies on are grounded on the assumption that every culture has a religion. From this point of view, I argued that the theoretical ground on which policies to govern diversity is actually a secularised version of a claim embedded in religion: that every culture has a religion. Moreover, by accepting

this assumption as an empirical fact, the social sciences study cultures based on a theological claim, and policies enacted to govern diversity also rest on this theological claim. In addition to De Roover's secularisation thesis, I explained Balagangadhara's theory of religion and discussed the compulsion of religious cultures to seek religion in all cultures due to the constraint that religion puts on how experience gets structured.

7. 3. Exploration of Alevis' Difference

In Introduction, I opened up my discussion over how we conceptualize cultural differences. Unlike an approach that focuses on 'seeing' similarities, I proposed to 'magnify' the differences in cultures for an alternative reading around the issues of Alevis' recognition. I pointed out the stubborn tendency to conceptualise differences in cultures in terms of their religion or systems of belief in spite of the lack of a theory on religion. In Part I, I have used the theory of religion and the framework for understanding cultural differences, as formulated by Balagangadhara. My analysis of Alevi culture showed that religion as an explanatorily intelligible account of the Cosmos seems not to be a property of Alevi culture. The crucial elements in constituting an explanatorily intelligible account of the Cosmos, such as God as the creator of the Cosmos, a doctrine, which specifies God's purposes and the relationship between God and humanity and a rivalry claim for being the only true way for going about in the world, are lacking in Alevi culture. Balagangadhara suggests that religion provides a dominant (meta) learning, which is theoretical knowledge, and thus shapes the culture where religion exists. In this regard, as there is no religion in Alevi culture, the dominant learning and thus the element that shapes the configuration of learning, which is culture specific, cannot be provided by religion. In Balagangadhara's analysis, we see the ritual just like religion can provide a dominant (meta) learning for the Indian culture. Balagangadhara's framework is helpful for me to recognise the performative side of the Alevi culture. In this connection to my application of his framework, my fieldwork suggests the prevalent role of rituals and performances in transmission of Alevi culture, which strengthens my argument that there is no religion in Alevi culture in the sense that there is no intelligible and explanatory account for the Cosmos that provides a world-

view or a system of belief and an epistemic approach to tradition meaning an approach to traditional practices through certain beliefs that supposedly embody these practices.

7. 4. Implications for Alevis and Alevi Culture

The theory of Balagangadhara also accounts for the persistent belief that every culture has a religion. Referring to ‘mechanism of conversion’, he explains how cultures without religion are assimilated into religion’s worldview as false religions or idolatry. This theological process is secularised in categorizing every culture as a system of belief. The two doctrines of Semitic religions do not allow for the existence of cultures without religion. In addition, from the viewpoint of a religion (or culture with a religion), actions (performances, rituals) should be demonstrating some or other beliefs, which then constitute a system and an account of the world that claims to be the truth. In this way, religion as an account universalises itself. Secularisation as an aspect of universalization of religion, thus means the spread of religion in secular terms like a world view or system of beliefs or as an epistemic approach to tradition that tries to link actions to certain beliefs. Yet, although Balagangadhara attributes this mechanism of conversion in general to each religion, his analysis is based on Christianity and how Christianity transformed the Roman pagan culture and the Indian culture into false religions.

His framework does not explicate on how the mechanism of conversion actualises itself in case of Islam and Alevi culture. Nonetheless, we can show that in general terms; Islam carries the universalisation dynamic as inherent in religion, according to Balagangadhara’s theory. As an aspect of this universalisation, I described secularization of Christianity, subsequent to the Protestant Reformation and the Enlightenment. My analogy of this dynamic explored how the Kızılbaş was identified as heretics by the Ottomans. With the transplantation of religious toleration in the Ottoman Empire, we saw the transformation of heretic Kızılbaş into members of Alevi religion in the name of Alevism. Furthermore, the Turkish nation building instrumentalised Alevis as the carriers of pre-Islamic Turkish culture. This conceptualization consolidated the formation of Alevism, as the Alevi religion. Through the case of Kızılbaş/Alevis, I suggested that the process of universalisation of Islam might occur through absorbing non-religious cultures into Islam in the form of

Sufi traditions. I do not claim that all Sufi traditions reflect the secularization of Islam. However, in case of Alevis, their gradual representation as a Sufi tradition suggests a secularising moment of Islam where elements of Alevi traditions are transformed into aspects of Islamic traditions.

As discussed in this study, the process of framing Alevis' difference in terms of religious difference since the 19th century has gradually given rise to the emergence of transnational Alevi movement that advocate for Alevis' recognition as a faith community in different countries. In this regard, I examined the birth of transnational Alevi movement, as a product of the politico-legal systems that formulate Alevis' difference in terms of religious freedom. Albeit varying in their conceptualisation of Alevism and recognition demands, the Alevi movement can be read as Alevis' negotiation with the politico-legal systems that compel them take the form of a religious community.

7. 5. Accommodation of Alevis' Difference in Turkey, the UK and before the ECtHR

Following my exploration on the Alevi culture, with the theoretical framework that laid out in Part I guiding me, I examined the accommodation of Alevis' difference. De Roover's analysis gives us an insight to understand how the states and laws operate as grounded on ideas of Christian theology. However, it does not explicate on the application of these ideas in Turkey, other than pointing to the possibility of distortions stemming from their transplantation into non-Christian societies. Therefore, my analyses of the three contexts should be read as my interpretation, stemming from and adapting his analysis. For example, in the context of Turkey, even though the heretic Kızılbaş might disappear from the discourse of the Turkish Republic, whenever Alevis ask for recognition of their difference from Islam, the implicit Islamic framework that considers Alevis as false worshippers, denies their recognition demands. In this connection, *cemevi* as a place of worship cannot get recognized in Turkey because the only place of worship in Islam is identified as mosque, as discussed in Chapter 4.

As analysed in Chapter 4 on Turkey, where the theological ideas that make the principle of religious toleration and secular state intelligible are

absent, the transplantation of the idea of religious toleration and secular state results in a peculiar form of *laiklik* that instrumentalise and control religion through the Diyanet – Directorate of Religious Affairs. The transplantation of this framework in the form of *laiklik* first brings in a secularised Christian theology derived from Protestantism, which presupposes that the realm of religion is in the private sphere because the Christian freedom requires the free work of the Holy Spirit, which is necessary for true worship, while false worship stems from the human corruption of religion. With the developments in Europe subsequent to the Protestant Reformation as discussed in Chapter 2, to tolerate idolatrous practices has gradually been discussed as a matter of the moral duty of a Christian. And yet, toleration required to understand the religious core that these practices might stem from. Particularly in foreign lands, colonial powers struggled to carve out native religions that their idolatrous practices stem from, with the purpose of granting them toleration. Yet, the theological framework that allowed toleration to rise is absent in Turkey. The Ottomans introduced religious toleration by the Tanzimat Reforms; but it was not a well-formulated reform initiated by the Ottomans to serve for accommodation of religion. Rather, as discussed in Chapter 3, it was introduced at a time when the Empire had no other choice than to respond to the European critiques over the disadvantages that the millet system brings to religious minorities, mainly Christians. Although the late Ottoman statesmen and early Republicans engaged with European discussions over religious toleration and secular state and how to apply these in Turkey, they were not aware of the theological underpinnings of toleration. Rather, they picked up the critiques over superstition and anti-clericalism and argued that Islam in its core reveals similar dynamics that the true religion is indeed a matter of conscience and man-made practices are superstition that corrupts religion and therefore had to be banned. The reason that they picked up this particular discussion over the corruption of religion through man-made practices might be because, despite the difference in doctrines, these two religions' view on ritual is similar in terms of its doctrinal references. Underneath this framework is the assumption that traditional practices have to be grounded on certain beliefs that are to be found in scriptures. When divorced from its context, the

framework of religious freedom and secular state is transformed into Turkish *laiklik* that is grounded on the control over religion through the Diyanet.

When we look at the application of this framework in Turkey, Islamic theology is infused at all levels. Alevism is annexed to Islam, which effaces Alevi culture's distinctiveness and assimilates it into Islam. As a response, different fractions of the Alevi movement articulated different claims for Alevi identity and recognition since 1990s. The EU accession process of Turkey in 2000s accelerated the articulation of these claims and indeed gave a direction within religious freedom framework. This framework is also utilized by AKP to favour the accommodation of Sunni Islam. In this vein, the extended courses on religious education, the legal benefits of the place of worship and the extension of the Diyanet's power also compel the Alevi movement to pursue religious rights' advocacy. As part of democratization policies, the AKP government initiated a series of workshops to tackle Alevi claims for recognition which addressed primarily the compulsory religious education, the status of *cemevi* and the Diyanet. Yet, no concrete step has been taken since the 2010 Alevi workshops.

Another element that is important in framing Alevis' difference is the process of Turkey's accession to the EU. Although the process has slowed down, the harmonisation of Turkish legal system paved the way for Alevi activism at the ECtHR. When compared to the Turkish context, the ECtHR seems to recognise Alevis' difference. All five cases brought to the ECtHR by the Alevi movement were ruled against Turkey. Yet, the ECtHR judgments did not result in fundamental changes to meet Alevis' recognition demands. For instance, the ECtHR judgments on compulsory religious education in Turkey did not result in introducing opting out mechanisms for Alevi pupils. Rather, the AKP government introduced an amended curriculum that raises even more concerns over the heavy of Islamic doctrines on religious education. However, the ECtHR judgment on the status of *cemevi*, might be considered to ease the difficulties on constructing *cemevi* in Turkey. Upon the ECtHR judgment on *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*, some municipalities use their discretion to treat some *cemevi* as place of worship.

Although the ECtHR framework seems to recognise Alevis' difference, I argue that this recognition comes with a burden and a

transformation. As the first case, *Hasan and Eylem Zengin v. Turkey*, demonstrates, the way Alevi claimants described Alevism was distorted in the judgement, which eventually postulated an Alevi Islam as opposed to Sunni Islam. This division between Alevi Islam and Sunni Islam has become more identifiable with the latest judgment on *Dogan and others v. Turkey*, where the Alevi claimants adopted the view that transformed Alevism into a Sufi tradition that was different than other Sufi orders and 'hierarchically' equivalent to Sunni Islam. When contrasted with Turkish state's and the Diyanet's assimilationist approach, the ECtHR's advocacy for Alevis' religious freedom seems more appealing for it provides Alevis with some autonomy to exist with their difference. While Alevis' difference stands as a matter of inner-Islamic cultural richness from the view point of the Turkish authorities, the ECtHR construes Alevis' difference as a matter of denomination that continues to overlook and simplify it, disregarding the political and historical dynamics. However, by converting the Alevis' difference into non-Sunni Muslim, the ECtHR reinforces the positioning of Alevis in opposition to non-Alevis in religious terms. This has important consequences for the accommodation of Alevis' difference in Turkey.

Unlike the attributed ties to Islam in Turkey and before the ECtHR, Alevism becomes a faith on its own right within the British multiculturalism. The Alevi movement succeeds in differentiating Alevism from Islam and in getting recognition as a religious charity. Alevism becomes a subject to be taught in religious education. Both the literature on Alevis and the Alevi movement consider this recognition as a success against the policies of Turkey that tries to assimilate them into Islam. There is indeed stark difference between compulsory religious education in Turkey that includes very little information on Alevis and that information misrepresents them as cultural richness of Islam on one hand and religious education in the UK that allows Alevis to represent themselves within the RE framework. However, as my analysis reveals, the implementation of the Alevism for RE in the UK is caused considerable confusion. Similarly, the Federation's application process with the Charity Commission required a lot of manoeuvring before the Federation's recognition as a religious charity. While the developments in the UK context further support what I have discussed in Part I that the nature of Alevi traditions cannot

be captured by a single belief system and coherent worldview, it brings about two kind of burden for Alevis. The first is that it compels Alevis to come up a world-view that would provide a foundation for Alevism. The second is that those resources of Alevi traditions that are more practice based are converted to symbols within this constructed Alevism or neglected.

7. 6. Conclusion

This thesis has brought together different disciplines and methodologies to present an original inter-disciplinary work, aiming to provide insights into the accommodation of Alevis in different contexts. I addressed first this difference and pointed to the uniqueness of Alevi culture in the nexus of religion and tradition. Second, I examined the accommodation of this difference and found that the assumption that religion is culturally universal is embedded in the political and legal systems of Turkey and the UK as well as before the ECtHR. Third, I discussed the implications of this accommodation for Alevis and Alevi culture. I argued that as a response to the politico-legal frameworks, Alevis have been organised as a transnational movement that pursue advocacy in terms of religious freedom. This advocacy is practical in terms of accessing to benefits that are granted for religious communities in both three contexts. In this regard, the Alevi movement also actively contributes in transforming Alevis' difference as a religious difference. However, this transformation comes with a burden on Alevis: trying to adapt an epistemic attitude to their traditions, converting them into meaning-carrying practices, and trying to 'interpret' or 'extract' an explanatorily intelligible account of the Cosmos.

This thesis has argued that discussions about how to implement policies to better govern diversity fail to see how the current framework, with its emphasis on religion as a culturally universal phenomenon, compels Alevis to mould themselves to fit a religious framework. In the process, the transformation that the Alevi traditions have been going through might bring

in a distance from their own culture.⁸⁵⁵ For some Alevis who are agnostic about religion, Alevi culture means Alevism as a religion, thus they identify themselves as ‘not really an Alevi’. I want to summarise this conclusion with an example from my fieldwork: I attended and participated at a *cem* ritual in Ankara, at which there was a heated discussion on what Alevism is and its relationship to Islam. Afterwards, on the way back from *cemevi* on the bus, an Alevi friend who was also involved in this *cem* ritual complained to me; “everyone says something, whenever I go to *cem*, different *dede* do not agree with each other on what Alevis is then [as a result] we suffer [from this ambiguity].”⁸⁵⁶

My thesis suggests that the accommodation of Alevis’ difference first comes with appreciating the uniqueness of their traditions within the nexus of culture and religion. How would the picture be if Alevis knew that Alevism does not exist, but that it instead signifies a culture with a rich repertoire for techniques of well-being?⁸⁵⁷ The findings of this thesis can be used for further research in areas of examining the relationship between culture, religion, law as well as ways to accommodate difference. Accordingly, I suggest that we need a new framework that does not compel the differences between cultures along the lines of religion. If Alevis come to an awareness of the pitfalls of transformation that their traditions have been subjected to, it would be more possible to modify the advocacy they pursue, if they choose to do so. Yet, the current activities of the Alevi movement seem like lacking such awareness or do not have an alternative framework to articulate themselves and their culture. My framework that I present in this thesis provides such an avenue. However such a novel approach does not suggest a return to the ‘native’ or ‘original’

⁸⁵⁵ See several scholars talking about the transformation that the Alevis have been going through, see Martin Sökefeld, *Struggling for Recognition: The Alevi Movement in Germany and in Transnational Space* (Berghan Books 2008); David Shankland, *The Alevis in Turkey: the Emergence of a Secular Islamic Tradition* (Routledge 2003); Elise Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (Routledge 2012); Ali Murat İrat, *Modernizmin Erittikleri, Sunniler Şiiler ve Aleviler* (Kırmızı 2009); Pınar Ecevitoglu, ‘Aleviliği Tanımlamanın Dayanılmaz Siyasal Cabizesi’ (2011) 66(3) Ankara Univ. SBF Dergisi.

⁸⁵⁶ January 2016, Ankara.

⁸⁵⁷ For instance, the Isha Foundation led by Sadhguru present yoga traditions and the science of yoga as creating techniques for well-being; ‘Yoga – A Technology for Ultimate Flowering’, available at <https://isha.sadhguru.org/us/en/wisdom/article/yoga-technology-ultimate-flowering> (accessed 6 May 2020). It is used by public figures such as Dr. Gabor Mate; see the podcast with Tim Ferris (20 February 2018), available at <https://tim.blog/2018/02/20/gabor-mate/> (accessed 6 May 2020). A similar approach could be taken for the Alevi traditions. Yoga is said to mean ‘union of the self and the Self’, *Muhabbet* is said to mean ‘union of hearts’ (*gönül birleme*).

culture. The transformation that the Alevi traditions have been going through and that the Alevis's experience needs to be critically reflected upon.

The current framework available in the political and legal systems, examined by this thesis, offer different policies to govern diversity. Turkey and the UK implement policies respectively derived from the principles of *laïcité* and multiculturalism. Additionally, the ECtHR framework that rests on the international human rights framework offers different opportunity structures that affect the policy-making in Turkey. One commonality among these three contexts (Turkey, the UK and the ECtHR) is the assumption that every culture has a religion or *a* system of belief that should provide an account of Semitic religions structurally. That is, these politico-legal systems assume the truth of Semitic religions' claim that every culture has a religion and religion revolves around the truth of some doctrines. Cultural differences are understood as differences in their systems of beliefs, covered by the category of religion that is offered (or even imposed) as a take it or leave it option for Alevis. Going back to the discussions about formulating cultural differences in the Introduction, interpreting traditional practices as manifestations of certain beliefs is not how every culture is shaped. Practice is not led by belief but by tradition for some cultures, like the Alevi culture as this thesis suggests. Asking these cultures to experience their difference through the lens of a different culture is to deny and distort these cultures' experiences. With religion positioned at the centre of policies for governing diversity, there remains no room to recognise the distinctiveness of Alevi traditions simply as traditions.

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